

A LETTER

SIGNED BY

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CONTAINING

A MINUTE EXAMINATION AND FULL VINDICATION

OF THE

MEASURES

ADOPTED BY

SIR GEORGE BARLOW,

DURING THE

Dissentions

AT THE

PRESIDENCY OF MADRAS.

Extracted from the Papers laid before Parliament.

LONDON:

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1812.

A LETTER

TO THE

G. GRANT, Esq.
W. ARTHUR, Esq.
C. R. L. Esq.
A. R. Esq.
C. R. Esq.

DIRECTORS OF THE EAST-INDIA COMPANY;

CONTAINING

A MINUTE EXAMINATION AND FULL VINDICATION

OF THE

OF BRINGING FORWARD A NEW AND IMPROVED

SIR GEORGE BARLOW

AND HIS OWN

AND HIS OWN

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AND HIS OWN

AND HIS OWN

London:—Printed by Cox and Bayl's,
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PREFACE.

AN Honorable Member of the House of Commons (Mr. Creevy) lately announced his intention of bringing forward a motion for the recal of Sir George Barlow from the Government of Madras. The motion was to have taken place on the 2d of June, but has been since postponed, *sine die*. Whatever may have been the Honorable Member's motive for suspending or for relinquishing his intention, the circumstance is to be regretted, as Parliamentary discussion would have given the best opportunity of informing the public mind on many points connected with the dissensions at the Presidency of Madras, and have freed it from the delusion which has too long existed. The papers relative to that subject have been now long on the table of the House of Commons ; and it is probable

that the Honorable Member may have become sensible of the untenable grounds on which any motion of the nature proposed would have rested.

Some dissents, recorded by six Honorable Directors, relative to the proceedings at Madras, have recently been extracted from the Parliamentary papers, and brought to the public attention in the form of a separate pamphlet. We shall offer no observation on those dissents; but request the reader to peruse the following unanswered and unanswerable letter, subscribed by ten Directors of the first respectability and distinction, as that letter contains the most ample vindication of all the material measures adopted by the Government of Madras—a vindication which, being founded on the demonstration of proof, can never be shaken.

It would have been satisfactory that the subject should have had the benefit of public discussion in Parliament; but as it seems now questionable if such discussion will take place, those who may be desirous of looking further into the question,
may

may be enabled to compare the opinions stated in the dissents, with those stated in the letter which follows, and to draw their own conclusions as to the side of truth.

The low scurrility interspersed in different parts of the recent pamphlet, is such as can require no observation.

may be enabled to compare the opinions stated in the dissent with those stated in the letter which follows, and to draw their own conclusions as to the side of truth.

The law committee, in its report, has stated that of the recent pamphlets, is such as can require no observation.

It is not necessary to state that the committee has not been able to obtain a copy of the pamphlet, "The Law of the Land," published by the American Law Association, in 1880, and which is said to contain a full and complete statement of the law of the land in this country. It is also not necessary to state that the committee has not been able to obtain a copy of the pamphlet, "The Law of the Land," published by the American Law Association, in 1880, and which is said to contain a full and complete statement of the law of the land in this country.

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TO THE

HONOURABLE THE COURT OF DIRECTORS.

GENTLEMEN,

THE late Revolt of the Officers of the Madras Army, is the most remarkable and most important event, that has occurred in the history of British Administration in India, since our first acquisition of territory there. It led to the commencement of a Civil War in the Carnatic; it threatened to involve the whole Peninsula in anarchy and blood; to encourage the numerous disaffected adherents of the fallen families of Tippoo and Mahomed Ali to insurrection, to invite the Native Powers to fall upon us whilst in this state of internal convulsion, and to subvert a Government which had successfully resisted, through a long course of years, the repeated attacks of neighbouring States. This intestine war did not proceed from the natives displaced by our power, or employed in our service. It proceeded from our own people, from British-born subjects, from military men to whom the command of the Army, the defence of our Government, was committed, and who, by their profession, and the solemn obligations it imposed on them, were bound to fidelity and obedience. So signal an event ought to leave a profound impression upon the minds of all those to whom the administration of British India is entrusted; and the causes which led to it ought, with a view to future good, to be well understood and established, to be, where any doubt or dispute still remains, investigated with the utmost care and impartiality.

Preliminary observations on the late Revolt at Madras.

To mistake the causes, to suppose the revolt to have been occasioned by what did not produce it, and to overlook circumstances which really had a material effect in bringing on that unnatural proceeding, would have a fatal influence upon our determinations respecting the merits of the actors in the recent transactions, and the policy which ought to be observed in future. Condemnation might thus be pronounced on those who are entitled to the highest praise, and encouragement, instead of resistance, be given to the dangerous spirit of insubordination.

We conceived indeed, that the task of passing a final judgment upon the conduct both of the Government of Madras, and of the Officers of the Army in the late extraordinary commotions, had been performed in the several dispatches sent by the Court upon those subjects to the Presidency of Fort St. George, under dates the 17th August, 29th September, 12th October 1809, and 7th February 1810; and we lament to see the opinions which so long afterwards have been given to the Court, and through them to the public, upon these momentous topics, on occasion, not of any original direct question then brought forward concerning those topics, but of a question concerning an individual. The opposition made at the periods of those dispatches to the sentiments they contained relative to the conduct of the Army, and of the Government towards it, proceeded, to the best of our recollection, only from a few gentlemen, and had reference chiefly to the suspension of certain Military officers; Mr. Elphinstone alone having recorded a Dissent on 13th October 1809, to the approbation generally bestowed by the Court on the measures of the Government then in question. Afterwards certain proceedings of the Court itself, with respect to those Officers, drew from Messrs. Elphinstone, Hudleston, Pattison, and Bannerman severally, Dissents, in which, indeed, there were some strictures upon the character and proceedings of the Governor Sir G. Barlow; but in the Dissents which have been entered by those four gentlemen respectively, and by Sir Francis Baring and Sir Hugh Inglis jointly, on occasion of the removal of Mr. Petrie from the Council of Fort St. George, the whole question of the causes of the discontents

in

*The Dissents to
the removal of
Mr. Petrie go,*

in the Madras Army, and of the conduct of the Government of that Presidency in relation to them, is again opened and discussed, and a judgment passed upon it very different from that which the Court has pronounced. We feel ourselves, therefore, called upon to go into this question anew ; and though we shall proceed to it certainly with unabated conviction of the soundness of the conclusions we have formed, and consequently with a just disposition to defend them, yet also with a full purpose of reviewing and stating fairly the facts and arguments from which those conclusions have been deduced, and of examining in the same spirit, the opinions delivered in the Dissents above mentioned. It was our declared wish to do this soon after the production of those Dissents ; but successive interruptions occasioned unintentional delay, which, however, does not affect the question, nor, we hope, the public interest. In the performance of the task we have proposed, we shall be led to unfold the grounds on which, when it became unavoidable to determine on a new commission of Government for Fort St. George, we deemed it our indispensable duty to vote for omitting the name of Mr. Petrie in that commission ; because we agree with the authors of those Dissents, in viewing the question concerning the merit or demerit of the Madras Government in its policy and conduct respecting the Army, as intimately connected with the question of the merit or demerit of Mr. Petrie in the opinions he professed, and the part he acted with relation to the same most important objects ; though there is still another question distinct from these :—whether Mr. Petrie, upon his own principles, acted rightly ?

with reference to that measure, into the whole subject of the disputes between the Government and the Army of Fort St. George.

Intended review of that subject here.

In the agitations produced by civil discord, when numbers are involved, when personal and party interests are at stake, and as a natural consequence, violent inflammatory representations are from many quarters made to the public, it must be more difficult to pursue inquiry with a dispassionate and unbiassed mind. For those especially whose duty it is, as Directors, to perform the solemn office of Judge upon the conduct both of the Government of Madras, and of the Officers of the Army, in the late extraordinary commotions, one of our own body, Mr.

Different representations on the subject.

Elphinstone, in his Dissent of the 14th April 1810, has proposed a good rule ; “ That the Minutes and Consultations of Council are the only true and constitutional information that ought to come to the Government at home, and on which they ought to form their decision, all other being only *ex parte* evidence, which never should be implicitly believed or acted upon.” Presuming that the honourable gentleman did not mean by his proposition, the scope of which is, that decision should proceed only upon well authenticated facts, to exclude truth otherwise incontrovertibly established by public proof, we approve of the spirit of his rule, which is conformable to our own sentiments ; and it shall be our aim, in the whole course of this paper, to adhere to it still, under a deep impression of the imminent perils to which the Company and the Nation have recently been exposed, and the transcendent importance of guarding against such evils in the time to come.

Since the alarms excited by the progress of revolt, have been removed by the knowledge of its suppression, it has become the fashion of many persons, both in writings and discourse, greatly to overlook the guilt of the Officers in that most criminal and dangerous proceeding, as if the whole with respect to them were over, and to draw the attention chiefly to the conduct of the Madras Government, or rather of Sir George Barlow, the Governor, in order to fix upon him the blame of the evils which have happened. This is a question which may now be discussed with perfect safety too the generality of the Officers, since the amnesty of Lord Minto has exempted them from punishment, which he declares them to have deserved : but although the opposite parties in the late contests are thus very unequally placed, and the accusations against Sir G. Barlow, however expanded in this country, originate chiefly with those Officers, it is our wish, that when they are adopted or supported by the written opinions of Members of this Court, that they may also undergo an examination in writing ; and this will be most properly done by following the important inquiry already proposed, into the *causes* which produced the revolt of the Officers of the Coast Army.

Those

Those who look no further for the springs of this event, than to the occurrences which immediately preceded it, reason contrary to general experience, which has established the maxim, "that no one becomes all at once deeply criminal." The revolt was not a mere paroxysm of resentment into which men were suddenly hurried from a state of perfect subordination; it had in it characters of matured, systematic combination and pretension, which could only be the work of time; and the persons who thus argue, must also be unacquainted with the existence of authentic information, which militates against their hypothesis.

*Inquiry into the
causes of the
Revolt.*

The account of the first ostensible movements in opposition to the measures of Government, shows a temper of insubordination already formed; and it has long been our conviction, that the spirit and principles by which the sedition of the Officers was incited and impelled, had their origin in an early period, and that the causes of the revolt might justly be distinguished into such as were more remotely predisposing, and such as were proximate. Gallant as the conduct of our Eastern Armies has been in the Field, and fertile as they have been in men eminently fitted for civil and political as well as military employments, it is not unknown to persons well acquainted with India, that even before our force there became considerable, very many of the Officers, who lived chiefly in camps, separate from other society, indulged and provoked in each other a spirit of discontent, founded in invidious comparison between their own advantages and those of the civil branch of the service. The desire of rank and emolument, common probably to all Military Officers, has, in that country, from local circumstances, operated with peculiar force. It was not stimulated only by the idea of unequal allotments, and the powerful influence of a common sentiment, strengthened by free communication through the general mass of military society, but that society remained, from the principle of advancement only by seniority, composed of individuals who looked to pass a great part of their lives far distant from their native country, to which they naturally cherished a wish to return, with the provision of which

Remoter causes.

which the adventurous spirit of youth had indulged the hope, and of which the scene before them seemed to afford the means.

The workings of this desire in the cases of individuals, and in questions of military allowances, may be traced through the whole course of the Company's records; and its ebullitions in the combination which produced the mutiny in 1766, and the agitations of 1796, were very formidable. It was, in our opinion, also a predisposing cause of the revolt of 1809, in co-operation, no doubt, with other causes of the same tendency, some of which may now be noticed. The infusion of the King's troops into the Indian service, which has happened within the last twenty years, seems, from the beginning, to have been a source of discontent to the Company's Officers, as interfering with honours and emoluments which they before exclusively enjoyed. It took place chiefly under the Madras Presidency; and as the number of those troops progressively increased there, and the Company's Officers thought, not always without reason, that partiality was shewn to those of the King, in the distribution of advantages, the privations to which they appeared to be thus subjected, became a permanent theme of complaint in the Madras Army—a complaint which the Company have done all in their power to remove, by enjoining the strictest justice in the distribution of places and emoluments: and their orders were actually, in a great measure, carried into execution at the time when the late disturbances broke out, although the charge of partiality still continued to be then repeated. With respect to the introduction of a large portion of the King's Army into India, our political circumstances in that country have required a considerable accession of European troops; and since the privilege of recruiting has been withdrawn from the Company, the supply could only be furnished from the public force. The Company's Armies have also been largely increased, and with their numbers the former feelings of injury have been extended and strengthened. Their brilliant achievements in the late wars, of which, and of the superlative praise bestowed on them by the Indian Governments, the Madras Army has had its full share, have naturally enhanced their sense of their own importance:

portance : and it will hardly be denied, after the decisive evidence furnished by the late revolt, that the Officers of the Madras Army (we wish always to be understood as meaning the majority only) fully believed they had the native troops entirely at their devotion. From this sentiment, which the implicit obedience of those troops had long tended to confirm, the Officers appear to have tacitly persuaded themselves that they had the power not only of overawing, but even of overturning, the Civil Government. We mean not to insinuate that they entertained such an intention, until the late excesses carried them at length to that fearful precipice : but the idea of their possessing such a power, must have had an habitual influence in exalting still more their estimate of their own importance, raising also their expectations, and aggravating their impatience under supposed wrongs. The example of the concessions obtained in 1796 is now proved to have had, as might have been expected, a great effect upon the minds of the Madras Officers.* The Indian Army may be allowed to have had at that time real causes of complaint, which were indeed very improperly urged, but too long unredressed. Since that period, however, the Bengal Army has been highly distinguished, as well by cordial obedience and attachment to legitimate authority, as by valour in the field ; and great praise is due, on the same score, to the Army of Bombay. The Military Regulations of 1796 extended their benefits to the three Presidencies, and with comparatively greater advantages to the two subordinate ones ; but the Officers of Fort St. George, when in the enjoyment of these, took encouragement from former concession, in framing new pretensions, such as had never before been heard of.

* General Macdowall's Letter to the Governor, of 16 May 1808, and the writings of the Officers in reference to this subject.

In forming such pretensions and pursuing them, they acted under the influence, and by the support of *combination*. It is the nature of this principle, when resorted to by an Army, to obtain concessions from the Government ; to place the former in some degree of opposition to the latter, and to weaken the sentiment of respect and subordination. Such combination is hardly known in the armies of Europe, and would be instantly put down on its first appearance. It has also been repeatedly forbidden

forbidden in our Indian Armies, but the prohibition has not always been duly enforced abroad, as it might easily and successfully have been.

From this fact, connected with the other circumstances already mentioned, it might be inferred that the discipline of the Madras Army had become relaxed; but we are not left to uncertainty in this matter, and it is material to show, from authentic records, that a considerable time before Sir George Barlow's accession to the Government, (which was on the 24th Dec. 1807,) and before the commencement of the late retrenchments, there appeared among the Madras Officers, symptoms, more or less general, of a spirit of insubordination, which must indisputably be reckoned a predisposing cause, to future excesses. In the Fort St. George Military Letter of the 6th March 1807, we find the following passage.

“ Para. 429. We reported in our last letter, the proceedings
“ which had taken place in consequence of an unfounded com-
“ plaint from the Officer commanding the subsidiary force at
“ Travancore, with regard to the inconveniences to which the
“ Officers and troops of that force were described to be sub-
“ jected by the discontinuance of the field allowances, the pay-
“ ment of which had been ordered to cease.”

“ 430. On full inquiry, the conduct of Lieutenant Colonel
“ Grant, the Commanding Officer, appeared so reprehensible,
“ from his having given his earnest support to representations
“ which it had been established had no just foundation, that we
“ considered it proper to express in General Orders our disap-
“ probation of the mode of proceeding which that Officer had
“ adopted, and in which he appeared to have shown himself not
“ less forgetful of his duty to the Government, than of his own
“ character.”

The Fort St. George Military Letter of 21st October 1807, contains a great deal on the same subject; and from it several extracts shall here be presented:

“ Para.

“ Para. 467. We are concerned to state, that repeated instances of improper conduct on the part of Captain Boardman, of the 18th regiment of native infantry, in his communications with the Civil Magistrate at Chittoor, as will more fully appear on the records of the Judicial Department, have induced us to direct that he shall be removed from the command of that station, as we had in vain endeavoured to satisfy him of the necessity of regulating his conduct, in the exercise of his command, with more discretion and temper.”

“ 468. We have also been under the necessity of directing that Lieutenant Brown, of the 14th regiment native infantry, should be dismissed from the command of Onore, in consequence of his disrespectful conduct towards the Civil Magistrate of that place, whom he appears to have impeded in the execution of a useful work, without authority or any necessity.”

“ 469. We are concerned to bring to the notice of your honourable Court, a very unfavourable report of the state of the 8th regiment of native cavalry, which was submitted to us by the Commander in Chief at our Consultation of the 10th July. We entirely concurred with his excellency in the necessity of using effectual means to restore a due sense of subordination among the Officers of that corps. In pursuance of that opinion, we removed Lieutenant A. Macleod from the appointment of Quarter-master of the 8th regiment.”

“ 583. We feel considerable concern in soliciting the particular attention of your honourable Court, to a Memorial which has been addressed to the Supreme Government, by the Honourable Lieutenant Colonel Sentleger, an Officer belonging to the native cavalry of this establishment, and also to the Minutes which have been recorded by Lord William Bentinck, and by the Commander in Chief, in explanation of the grounds of complaint exhibited in that Memorial.”

“ 584. It will be observed in those papers, that a Memorial
 “ was addressed to this Government, by the Honourable Lieu-
 “ tenant Colonel Sentleger, at a very early period after his late
 “ return to India, stating his pretensions to the appointment of
 “ Inspector of Cavalry on this establishment, in preference to
 “ those of Lieutenant Colonel Gillespie, who was selected for
 “ that station, from the opinion which was entertained of his
 “ qualifications for the performance of its duties, and as a re-
 “ compence for the signal service rendered by that Officer to his
 “ country at the momentous crisis of the mutiny at Vellore.
 “ Without intending any disparagement to the Honourable
 “ Lieutenant Colonel Sentleger, it did not appear to us that his
 “ claims were sufficient to invalidate the circumstances under
 “ which Lieutenant Colonel Gillespie had, by an achievement
 “ of the highest importance, recommended himself to the public
 “ attention ; and we were not prepared to yield to the improper,
 “ not to say indecent, precipitancy of Lieutenant Colonel Sent-
 “ leger, who had then scarcely landed on his return from Eng-
 “ land, by depriving Lieutenant Colonel Gillespie of those
 “ honours which had been conferred upon him.”

“ 585. In the Memorial addressed to the Supreme Govern-
 “ ment, the Honourable Lieutenant Colonel Sentleger deemed
 “ himself at liberty to take a more extensive range of alleged
 “ grievance ; and, after slightly adverting to the particular
 “ object which had formed the ground of his Memorial to this
 “ Government, *that Officer placed himself in the character of a*
 “ *defender of the general interests of the Company's Army, with-*
 “ *out any apparent authority from the Officers whose particular*
 “ *cause he pretended to support.*”

“ 587. We consider the agitation of such subjects to be
 “ attended with great delicacy, and we feel particular regret
 “ that they should at this moment have been forced upon our
 “ attention, or on that of the Supreme Government, as *there*
 “ *can be no mode more effectually calculated for the revival of the*
 “ *unhappy feuds by which this part of the British dominions was*
 “ *so long distracted and endangered.* As, however, the Ho-
 “ nourable

“ honourable Lieutenant Colonel Sentleger judged it proper to
 “ appeal to the authority of the Supreme Government, we have
 “ thought it necessary, that the appeal should not be unaccom-
 “ panied by such documents, as would evince the fallacy of the
 “ grounds, on which that Officer had intruded himself on the
 “ public notice, *as well as the dangerous tendency of the discus-*
 “ *sion which he had been eager to promote.* With regard to the
 “ disrespectful and injurious terms, as affecting this Govern-
 “ ment, in which the appeal of Lieutenant Colonel Sentleger
 “ was conveyed, we informed the Governor General in Council,
 “ that we should offer no comment, being satisfied of the dis-
 “ position of His Lordship in Council to afford to our authority
 “ that degree of support which is necessary for the suppression
 “ of insult.”

“ 588. We shall only add, that though *impressed with the*
 “ *strongest sense of the dangerous tendency of the inflammatory*
 “ *and factious proceedings pursued by the Honourable Lieutenant*
 “ *Colonel Sentleger,* we have, for the present, adopted no fur-
 “ ther step than the measure of directing that Officer to leave
 “ the Presidency, and to join his regiment.”

“ 589. We are concerned to have occasion to draw your
 “ attention to a further circumstance, which though not of the
 “ same offensive nature as that which occurred in respect to
 “ Lieutenant Colonel Sentleger, was sufficient to call for our
 “ strong disapprobation. We allude to a very disrespectful
 “ application which was addressed to us by Lieutenant Colonel
 “ Alexander Cuppage, of the native infantry, stating his re-
 “ quest to be permitted to proceed to England, and assigning as
 “ his motive, certain supposed grievances which he considered
 “ himself to have suffered, and particularly the ‘being turned
 “ out of the command of Nundydroog.’”

“ 593. The whole circumstances of Colonel A. Cuppage’s
 “ conduct having been fully explained in the Minutes of Lord
 “ William Bentinck and the Commander in Chief, to which we
 “ refer you, we considered the disrespectful tenor of his address

“ to be so unqualified and unprovoked, as to merit the expres-
 “ sion of our strongest disapprobation. We accordingly re-
 “ corded these sentiments, and decided against taking into con-
 “ sideration the application of Colonel Cuppage, for leave to
 “ proceed to Europe, until it should be submitted in more re-
 “ spectful terms.”

“ 731. We have already stated, *that a very dangerous spirit*
 “ *of cabal has shewn itself among several Officers in your Army.*
 “ *This feeling has been greatly inflamed by the impunity with*
 “ *which the Honourable Lieutenant Colonel Sentleger has been*
 “ *hitherto enabled to brave and insult the authority of this Govern-*
 “ *ment: for it is with concern that we observe, in addition to*
 “ *the explanation which we have already given regarding the*
 “ *conduct of that Officer, that every means of the most public*
 “ *nature have been taken, at some of the principal military sta-*
 “ *tions, to hold up Lieutenant Colonel Sentleger as the champion*
 “ *of the rights of the Company's Army, and as one whose example*
 “ *calls for general imitation.*”

“ 732. We should think it necessary to apologize to your
 “ Honourable Court, for so particularly addressing you on a
 “ subject in itself obscure and unimportant, *were we not strong-*
 “ *ly impressed with the necessity of discouraging, by every means,*
 “ *such factious proceedings as generally lead to consequences of*
 “ *dangerous extremity.* This is a discussion in which we can
 “ have no personal interest, as the distinguished personages
 “ chiefly concerned in its origin, do not now form a part of our
 “ Councils; and we may claim the merit of sincerity in con-
 “ veying to your Honourable Court our earnest opinion, that
 “ the conduct of Lieutenant Colonel Cuppage calls for your
 “ marked disapprobation, and that *any encouragement of the*
 “ *groundless pretensions of that Officer, may be fatal to the dis-*
 “ *cipline and interests of your Army.*”

The information contained in the passages now quoted, is
 decisive as to the existence of a spirit of insubordination and
 cabal, and of the doctrine of the Rights of the Army, long
 before

before Sir G. Barlow was even known to be the intended successor to the Government of Madras, or the business of retrenchment came into operation. But what is deserving of peculiar attention is, that this letter was written in the short period in which Mr. Petrie was Governor, and signed by him. It is to be taken as his dispatch, and it establishes the insubordinate state of the Army till within two months of the accession of Sir G. Barlow. It is remarkable also, that Mr. Petrie intimates neither in that letter, nor in the consultations, any general measure to be in contemplation for repressing the dangerous temper of the Army; nor do the records, during the remainder of his short administration, give any indication of a favourable change in that temper. On the contrary, it is found, from the papers transmitted in the Secret Department, with Lord Minto's letter of 5th February 1810, which contain some very striking traits, that, as early as the month of July 1807, a proposal had been started among the Officers, to apply for Bengal allowances; and, in April 1808 at furthest, four months only after Sir G. Barlow's arrival at Madras, and *before the orders for the abolition of the Tent Contract were issued*, an Address to the Governor General was circulated in the Army, for signatures; the object of which was to solicit, that, with respect to allowances, "the military establishment of Fort St. George might be put on a similar footing to that of Bengal." These are the words of General Macdowall, in a letter to Sir G. Barlow, dated the 16th May 1808; from which it appears, that the Army had recently agitated the question, of the comparative state of the Bengal and the Coast allowances, and that the Address had then been circulated:—points which, on account of the great distance of various corps from each other, could not have been effected in a very short time. The same letter from General Macdowall contains other passages important and conclusive as to the present point of inquiry. "It will demand," says he, "the most serious deliberation, to effectually check the spirit of remonstrance, which perhaps extends further than we are aware of."—"My judgment and experience lead me to believe, that the seeds of discontent are very widely disseminated; and almost every individual in the service is more or less dissatisfied." The first

first cause to which he ascribes this state of the army is, “*the abolition of the Bazar fund* ;” which (without inquiring now whether he is right or not in assigning this as the *first cause*) certainly took place long before the time of Sir G. Barlow, and has not existed in Bengal since the Regulations of 1796. He says also, that the abrogation of the Tent Contract is one of the prominent causes of discontent.

The only thing we have been able to trace on the records, which seems not perfectly to accord with this representation, is a passage in Mr. Petrie’s Minute, dated the 8th September 1809, in answer to Sir G. Barlow’s. “When absent from the Presidency,” says he, “in the month of June last year, I first heard of considerable discontents in the Army.” From this it might be understood, that he knew of no discontents before that time ; and hence that he meant to imply, they originated after Sir G. Barlow came to the Government. But the extracts already quoted, particularly paragraphs 587 and 731 of Mr. Petrie’s public letter of 21st October 1807, the letter from General Macdowall to the Governor, and the combination of the Officers to obtain Bengal allowances, all militate against such a proposition.

It is therefore established, upon incontrovertible authority, the evidence of the Government of Madras, Mr. Petrie being then Governor, and of General Macdowall, Commander in Chief, not to refer again to other corroborating circumstances, that, before and at the accession of Sir G. Barlow to the Government, there existed in the Madras Army a dangerous spirit of insubordination and cabal, which, in a few months after that accession, “the seeds of discontent being then very widely disseminated,” exerted itself openly ; not at first in opposition to any measure adopted in his time, or to the retrenchments projected before his arrival, but to obtain an *augmentation*, or what the Officers conceived to be such ; that is to say, the same allowances in all things as the Bengal Army received.

The opinion given by Lord Minto on this subject, in his letter,

ter, lately arrived, of the 5th February 1810, written from Madras after deliberate reflection, is too important, and of too high authority to be overlooked. "The discontents," says his Lordship, "of the Coast Army, have prevailed with so little interruption, and with so much continuity, beginning, for the sake of brevity, no higher than with General Stuart's command, and proceeding through that of Sir John Cradock to the *present hour*, that it is difficult to fix a distinct period for the events in which we are immediately concerned, or to separate the present from the past." It is, doubtless, very satisfactory to us, to find the views we have entertained upon this subject corroborated and improved by the convincing exposition which his Lordship's information respecting it has enabled him to give. But we must desire it to be distinctly understood, that the plan and substance of what the preceding pages contain, relating to the *remoter causes* of the discontents in the Madras Army, (even to the use of that expression) were determined upon long before the arrival of Lord Minto's letter, of which we had no expectation; and that the general coincidence, which appears between his sentiments and ours, arises from the separate reflections of each party.

The establishment of the existence of insubordination and discontent in the Madras Army, before and at the period of Sir G. Barlow's entrance on the Government, and the progress of those tempers for several months afterwards, not on the score of any thing he had done, but on grounds taken up long before his time, we deem to be a point of great importance, and we request particular attention to it.

Let us now turn to the account which some of the Dissent, before give us of this subject.

"When Mr. Petrie," says one,* "delivered over the Government to Sir G. Barlow, it cannot be denied, that he left him an Army not surpassed in discipline, obedience, submissions or in attachment to their country by any troops in the British service. During the former," (the Government of Mr. Petrie)

The account given in the Dissents of the state of the army at the time of Sir G. Barlow's accession to the government.

* Dissent of Sir F. Baring and Sir H. Inglis, 24 April 1810.

† Dissent of Mr. Pattison, 24th April 1810.

Petrie) says another,† “though the Tent Contract had been abolished under the previous Government of Lord W. Bentinck, of which Mr. Petrie was a Member”—(not *abolished*, only PROPOSED to be; the *actual* abolition did not take place till Sir G. Barlow’s time)—“the *Army was patient*.” A third says, “that the abolition of the Tent Contract, and other savings from the Army, were well known to the Officers, months before the arrival of Sir G. Barlow, *without producing any visible discontent among them*.”‡ I must impute, says the same

‡ See Gen. Macdowall’s Letter of 16 May 1808, which affirms just the contrary.

§ Mr. Elphinstone’s Dissent, 13 October 1809.

“Dissent, to the violent and arbitrary measures of the Government,” (Sir G. Barlow’s), “*all the dissatisfaction and unfortunate events that have taken place at Madras*.”§ And in general all the Dissents are totally silent as to any existing dissatisfaction before the Government of Sir G. Barlow; and those which do not directly ascribe to him the commencement of the evils, seem to set out with tacitly assuming, that no complaint was heard of till his time.

After what has been already said, we need hardly observe, that all such representations or views are in direct contradiction to the records, which, according to Mr. Elphinstone, are our only authentic source of information: and thus Sir G. Barlow is condemned, not only without due evidence, but against it. Such statements may, perhaps, be advanced in the anonymous publications, of which many have issued from the press, relative to the late disputes at Madras. It is to be expected, that in such disputes, where numerous individuals, having a deep personal interest at stake, are engaged in opposition to a public officer, or to a Government, the assailants will be many and active; that they will endeavour to impress the public with their own views of their case, and the one which they oppose; and it would be wonderful if their passions and interests should not mix in their representations. But such representations, without proof or authority, can be no materials for Judges to act upon. There is, indeed, one publication which may be thought of a different character, entitled, “*A Statement of Facts, by William Petrie, Esq.*” Of that publication it is proper to remark, that it comes to the English public without any such voucher

as,

as, in the absence of the reputed author, it ought to have, of its being his production, and sent to the press by his own authority. It falls, therefore, under that description of unauthenticated information which Mr. Elphinstone calls "*ex parte* evidence, that should never be implicitly believed, or acted on;" and, as a document, independent of its matter, it is liable to this further objection, that it is not only no record in the Company's Consultations, but purports to have been a private communication to Lord Minto, and does not appear to have been at all communicated to Sir G. Barlow, as it should have been, before it was used as an appeal against him anywhere else, even to the Governor General. We think, however, it bears internal evidence of being the work of Mr. Petrie; and, from its whole substance, and its dates, to have been the original from which this Minute, already quoted, was formed, with the omission of those parts which most strongly reflect on Sir G. Barlow, on whom, and on whose measures, it now comes forth, under the title of a Statement *delivered* to Lord Minto, as a public attack; an attack made in a pending cause, far distant from, and unknown to the party accused, who has thus no opportunity of defending himself. But when Mr. Petrie censured Sir G. Barlow, in his Minute of the 8th September, drawn from a work which, excepting the conclusion, was composed, as appears by its date, in the month of August, it should seem that he ought to have brought forward all he had to charge against that public officer, and not to have reserved the severest part for the private ear of the Governor General, or for dissemination among his distant friends; more especially as the *Statement*, being written partly in the manner of a diary, exhibits the dismal prospective pictures drawn from time to time by Mr. Petrie's apprehensions, which are calculated to make impression on the reader, although when he *delivered* the *Statement* out of his hands, the dangers foreboded in it were at an end, by the complete suppression of the rebellion. Certainly, therefore, it should have no reception prejudicial to Sir G. Barlow, though it is to be feared the case is very much otherwise; but it may be received as Mr. Petrie's own account of his principles, opinions and conduct, in rela-

tion to the subjects in question, and as such we shall take occasion to refer to it. With respect to the present point, it uses the same language as the Minute. "*When at Cuddalore,*" (in June) "*I heard of considerable discontents in the Army ;*" but it goes more plainly to place the rise of these discontents *after* the accession of Sir G. Barlow, without, however, any precise information on that head, and without a shadow of evidence that no discontents prevailed before. Indeed, the paper would shew Mr. Petrie to have been ill informed of the state of the military mind. "Although," says he, "the projected reductions were severely felt," (by General Macdowall and the principal Officers to whom he, when Governor, explained them) "*I must, in truth and justice, declare, that there was not a sentiment expressed incompatible with the strictest principles of military duty and subordination.*" That individual Officers might not choose to express to the Governor any sentiment incompatible with military duty, is very conceivable ; but that the great body of the Officers, so far from really acquiescing in the new retrenchments, as their duty required, were at that very time discontented on account of the old, and cherishing schemes of obtaining, by combination, new concessions, is very evident, from all the authorities already adduced, especially from General Macdowall's letter to the Governor, in which he not only tells him of "deep-rooted, widely disseminated discontents," at a time when Sir G. Barlow had originated no one public act towards the Army, at which, in all their subsequent violences, they have expressed offence, but plainly shews, that he himself sympathized in their feelings and opinions. Mr. Petrie's *Statement*, moreover, was written sixteen months posterior to General Macdowall's letter, when the standing discontents of the Officers, for alleged old grievances, had fully developed themselves ; and the hollow phraseology which, so long after, would imply, from the circumstance of individual Officers not expressing to him "any sentiment incompatible with the principles of military subordination," that the Army in general dutifully submitted to the new retrenchments, is plainly most unsatisfactory.

When, then, Sir G. Barlow came to the Government, there was a formed spirit of discontent in the Army. Only two months before, his predecessor, Mr. Petrie himself, had publicly stated, "that a *spirit of insubordination and cabal* had shown itself, "which must be dangerous to all Armies, and might lead to "consequences of the most fatal nature; that every means of the "most public nature had been taken at some of the principal military stations, to hold up Lieutenant Colonel Sentleger as the "champion of the rights of the Company's Army, and as one "whose example called for general imitation." The Officers were dissatisfied on the score of former retrenchments, (although certain compensations for them had been determined) and of recent or projected reforms; they aimed at new concessions; they acted by combination; the sentiments of the Commander in Chief were favourable to their views and pretensions, and he was himself an avowed malcontent. Candour will not refuse to admit that Sir G. Barlow was placed in a difficult situation; and it will be no departure from impartiality, to inquire what line of conduct he ought to have proposed to himself, when he became sensible, as he could not fail soon to be, of the embarrassments he had to encounter. Should he have inclined to gratify the Officers, by restoring the Bazar fund, abolished on the most incontestible principles of sound policy, or by stopping the progress of the new retrenchments, common to all the Presidencies, and enjoined, not only by the Supreme Government of India, but also by the controlling authorities at home, under the most imperious necessity, for the safety of the Company? Or should he have countenanced new and before unheard-of pretensions? Should he have encouraged the spirit of combination, of which he himself had formerly seen the dangerous effects, and which Mr. Petrie had so recently pointed out and denounced? Probably no person, unconnected with the Madras Army, will venture to reply to any one of these questions in the affirmative. All who duly regard the interests of the Company will be ready to maintain, that he could not propose to stop short in the necessary work of general retrenchment, which was going on all over India; and that, at the moment when such retrenchment was indispensable, it was impossible for him

State of the Army when Sir G. Barlow came to the government.

Inquiry into the means of conciliation then in his power.

to lend himself to new concessions. It is then fair to look again at the situation in which he stood, and at the views, the temper, the combination of the Army. Was it possible to conciliate them to what must necessarily be done? It is reasonable to ask this question, but not to assume the affirmative. No doubt a Government ought at all times, and especially in times of difficulty, to cherish a conciliating spirit; and we shall hereafter examine whether this was done in the present case; nay, we shall allow it here to be supposed, for the sake of argument, that the Government may have been deficient in this respect; but still, more is not to be expected from this quality than it is calculated to produce. And it must have been a very extraordinary talent of persuasion, a fascinating ascendancy, that could have induced a very numerous body, with the majority of whom the Government could have little personal intercourse, among whom popularity was gained by contending for the *rights of the Army*; a body who were influenced much less by individuals, even of the military class, than by an *esprit du corps*, and who strongly relied on the success of combination; to set aside their long-indulged prejudices and wishes, their interests and opinions, without any substantial compensation, unless in the principle of public duty. For a Governor had no compensations of interests to offer them, and he could not honestly hold out expectations not likely to be gratified; nor could he, without sacrificing the requisite dignity of his station, attempt to gain them by unbecoming flatteries and submissions; neither, indeed, was this method likely to succeed. In short, the extreme difficulty of persuading a large body of military men, so circumstanced, to give up their favourite objects and passions, must be admitted, and the practicability of it to be incapable of proof, except by example; an example which the Indian history has not yet afforded. The continuance, and even the growth of that spirit which had long prevailed in the Army, was therefore to be expected; and it is subsequent to the time Sir G. Barlow thus set out in the Government, that we are to look for the more proximate causes of the sedition and revolt to which the Officers advanced.

Proximate
cause of the
revolt.

From

From the period of Sir G. Barlow's accession in December 1807, till towards the close of the following year, there does not appear to have been any one act of his Government at which the Army could have even a pretence for taking umbrage, or which they have, in point of fact, ever made an article of complaint.

*State of matters
between Govern-
ment and the
Army in the
following year,
1808.*

The confirmation, indeed, by the Supreme Government, of those retrenchments which Lord William Bentinck and Sir John Cradock had proposed, and of which Mr. Petrie, when in the Government, had on record strongly expressed his approbation, arrived early in 1808; and Sir G. Barlow performed only an unavoidable duty in proceeding to carry them into execution. But in doing this, instead of adding to them, he relaxed in favour of the Army some of the regulations enjoined by the Governor-General in Council, to the acknowledged satisfaction of General Macdowall, who professed to think that the Army also had cause to be satisfied. Mr. Petrie's statement says, that the unpopularity of the measure of abrogating the Tent Contract, was reported to him to have been greatly increased by the manner in which it was given out in General Orders. He might have referred to the General Order, before he had conveyed to his reader this idea of it. Happily this Order is in the India House. It proves to be a plain inoffensive paper, written in the ordinary official style, and adopted by Government on the recommendation of the Commander in Chief, (General Macdowall).

But in this period, the conduct of General Macdowall himself, as it stands authenticated by public records, is marked by a most pernicious activity, and demands the most particular attention. At the time of his appointment to the chief command of Fort St. George Army, the Court of Directors were nearly unanimous, on general grounds which have never yet been invalidated, though since overruled, in resolving that the Commanders in Chief at the subordinate Presidencies should not have a seat in Council—a point entirely optional with them, and on which they had formerly exercised their discretion. General Macdowall

*Conduct of Gen.
Macdowall.*

was

was not *deprived* of a seat in Council, as Mr. Petrie has expressed it in his *Statement*: he never had a seat, nor any right to one, or to the chief command, unless the gratuitous act of the Court had conferred it on him. He accepted the office of Commander in Chief, without a seat in Council, and was therefore bound by his honour and his oath to fulfil the duties of that office. But he entered upon it with feelings of indignant discontent, which he was at no pains to conceal, intimating, perhaps with some hope, the arrangement might not be final, that he would return to Europe rather than let the office be, what he termed, degraded in his person; and for a time maintained the appearance of some good understanding with the Government. But as the shipping season drew nearer, without any indication of a change in respect to him, and before, indeed, there was time for such a change, had it been intended, he began more openly to vent his resentments in expressions of disrespect towards the executive body of the Company, and the local Government, before even any thing had occurred in India which could furnish him with a pretext. He espoused the views of the Army, and became the champion of their rights, and imbued them with his personal resentments; he joined factions with which neither he nor the Army had the least concern—factions raised in the civil community, and most unjustly, in our opinion, against Sir G. Barlow; using the influence of his office and the popularity he thus acquired to harass and degrade the Government, and proceeding wantonly from one act of violence to another, still on the side of Army feelings, or in support of the pretended rights of the Commander in Chief, which the Army had been brought to incorporate with their own, until the seeds of alienation and sedition were widely sown, and the Officers were left by him in a state of ferment and disaffection, which, excited yet further by the criminal activity of his friends, after his departure, and by new circumstances, carried them from one stage to another, until the whole ended in open insubordination and revolt.

The history of General Maedowall's proceedings, which bears out the facts here stated concerning him, is so fully exhibited in the

the records transmitted by the Fort St. George Government, in the comments of the Court of Directors upon those proceedings, and in the very clear and convincing detail which Lord Minto has given in his letter of 5th February 1810, that it is unnecessary to go minute'y into here ; but some circumstances sufficient to support what has been now advanced it may be proper to notice.

In the month of May 1808, General Macdowall, of his own motion, addressed to Sir G. Barlow the letter already mentioned, which being on the records, need not be transcribed here. It is more remarkable for its tenour than its professed object ; because, at a time when it is now known he was united in sentiments with the Army, as well as discontented with the Government, he communicated, in the forms of confidence, to Sir G. Barlow, that an address was preparing from the Officers to the Governor General for Bengal allowances, which proceeding he knew to be contrary to established rules. But, having done this, he goes on immediately to express in forcible language the discontents of the Army, and his own,—the difficulty of checking the spirit of remonstrance, “ *which,*” says he, “ perhaps extends further than *we are aware of ;*” and he notices “ the many points *which the Army had formerly gained by representation, as naturally leading them to expect relief :*” he also alludes to the “ convulsions” in the Bengal Army, of which Sir G. Barlow had been a witness. And then coming to the ostensible object of the letter, namely, to consult how and when the proceeding ought to be opposed, he says, “ Nothing can be more simple than the publishing an Order,” (that is, by Government) “ *highly disapproving the nature and tendency of the Memorial to Lord Minto, and stating, that any Officer who shall encourage similar remonstrances, shall incur the severest displeasure of Government.* Will this have the desired effect ? It will be very easy for me to decline transmitting the address, and to express my own sentiments : but will this mode be correct ?”

It must be owned, the Commander in Chief here presents a picture

picture well fitted to alarm, without proposing any thing that might strengthen the hand of Government. On the contrary, he questions the propriety of his own interference, and whilst he suggests a General Order of Government, *severe in its terms*, as an obvious expedient, he intimates a doubt of its efficacy. A timid mind might easily have been shaken by such a representation from such a quarter. But the answer given by Sir G. Barlow * opposed irrefragable arguments against the design on foot, and General Macdowall, in consequence, "made corresponding communications to the Officers commanding the principal military stations, requiring them to adopt the most effectual measures for stopping such proceedings." †

* See the import of it, in paragraph 33, Fort St. George Military Letter, 29 Jany. 1809.

† Do. Do.

The circular letter of General Macdowall, on this occasion, points out in forcible terms the exceptionable nature of the intended Memorial, as militating against established Orders, and as calculated to excite a spirit of discontent and insubordination in the Army, whence it would be the duty of the Commander in Chief, should he eventually be obliged publicly to consider the Memorial, to bring to punishment those who might have been most active in supporting it. ‡ Could it have been conceived that, at the very time he was thus in appearance acting in concert with Government, for the suppression of this prohibited, culpable and dangerous proceeding, he was really co-operating with the insubordinate spirit of the Army he commanded, and counteracting, his own circular letter? The fact is now established. Something of this nature seems to have been early hinted at by the Government of Fort St. George ||; but formal proof was then wanting. The Court, however, have since been assured, on evidence which has received Lord Minto's confirmation §, that, at the very period General Macdowall was circulating the letter in question, "he was acquainting the Officers, " in personal and convivial communications, that his circular " letters were merely official, written at the requisition of Government, but not expressing his own sentiments; and that " he wished them success in their pursuit." And Lord Minto further intimates, that General Macdowall's letter to the Governor, of the 16th May 1808, containing an enumeration of military

‡ See also Lord Minto's Letter, 5th February 1810, para. 16.

§ Military Letter, 29 January 1809, para. 34.

¶ Letter of 5th February 1810, para. 16.

military grievances, and a significant reference to the successful struggles of the Bengal Army in 1796 against the Government —“an enumeration,” says his Lordship very justly, “which, if addressed in the same language to any other quarter, was calculated not to repress a particular act of insubordination, but to excite a general mutiny”—had been communicated by General Macdowall to other men. Let it be remembered, that at this time General Macdowall had not pretended to have received any personal injury or offence from Sir G. Barlow; and that he maintained with the Governor, as appears from the letter in question, the forms of confidential intercourse. In the month of May, General Macdowall set out on a tour to the different stations of the Army, and seems to have been little at the Presidency till towards the autumn, soon after which he went again into the Northern Circars. The records of the Madras Government, during this period, do not, as far as we have discovered, contain any material information relative to the temper of the Commander in Chief; and but little concerning the Army. It would appear, from letters of the Government written afterwards to General Macdowall, that they were studious to avoid controversy with him* and his letters to them, on the other hand, indicate no backwardness to express his feelings. A desire naturally arises, to know what was passing in that period, from May to December. Lord Minto's letter of the 5th February 1810, affords some light into this matter. He states it as “a fact, too positively asserted and too generally known at Madras, to leave the shadow of a doubt upon his mind, that General Macdowall's conversation at his own table, uniformly conveyed to the Officers of the Army he commanded, sentiments hostile to the Government he served; and clothed in language disrespectful and contemptuous.” His Lordship says, in reference to this statement, that specific instances have been related to him, by persons entitled to implicit faith, who were themselves witnesses of what they reported; “and that, on this general point of conduct, the accordant assurances, given in confidence, of those whose means and knowledge have been such, and whose personal credit is, in his judgment, so much beyond question, that he

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“ can

* Military General Letter, 29th January 1809, and the marginal references.

“can neither resist a personal conviction, nor think himself at liberty to withhold the expression of his belief, that the conduct of Lieutenant-General Macdowall was certainly such as it has been above described.”

His Lordship next adduces, to the same effect, a clear and solemn act done openly by General Macdowall, namely, his address to the Commandant of the European regiment at Masulipatam (that regiment afterwards so conspicuous in the revolt), when reviewed by the General on the 24th December 1808. This Address, having been printed in a periodical publication at Madras, whilst General Macdowall was on the spot, may certainly be regarded as authentic. It is already known here, but contains expressions so remarkable, in reference to the present point, as to deserve special attention. “It was my particular wish to see those (regiments) in the Northern Circars, and particularly the Madras European Regiment. From many circumstances, *this regiment has, in a measure, been overlooked, indeed I may say, neglected. Placed in a corner of this extensive country, it has seldom had its practice with the other corps of the Army.* Notwithstanding these circumstances, from my knowledge of your zeal and ability, Colonel Taylor, I was confident I should find this corps in the high state of discipline it has this morning evinced; and it shall be my business, as much as lies in my power, to let the service benefit from this state of discipline, by calling it into more general notice; for I know that this state of inactivity must be painful to the feelings of honourable gentlemen and officers, and painful to the feelings of honourable gentlemen and Officers, and painful to the feelings of brave soldiers. *Indeed, I am at a loss to know the reason of this neglect.* This regiment has always been forward for its courage and loyalty: you are composed of the same materials as the other European corps in the service, and I am sure that the same brave and generous spirit actuates you.”—“This Address,” says Lord Minto, requires no comment; and I shall only observe, that it is adduced as one example of the means employed habitually by Lieutenant General Macdowall to foment discontent in the
“Army,

“ Army, and to exalt his own popularity with that body, at the
 “ expence of the most obvious duties of his station, and inte-
 “ rests of the public. It affords also a very clear specimen of
 “ the practices imputed to him on the tour he was then making
 “ to the several stations of the Army.”

The view with which these evidences are brought forward, is
 thus explained by the Governor General: “ The *deliberate inten-*
 “ *tion* of Lieutenant General Macdowall to make the Army an
 “ instrument of opposition and disturbance to the Government
 “ of Fort St. George, *forms so remarkable a feature, and proved*
 “ *so operative a cause* in the events under review, that I feel the
 “ propriety of establishing so material a point, before I enter
 “ on the discussion to which they gave rise.”

Of the truth of the fact here illustrated, we have long been
 thoroughly convinced, from the whole tenour of the Madras
 advices and records; but the Dissents we are called to answer,
 require us to insist upon it; and it is satisfactory to find it con-
 firmed by new proofs. It was immediately after the return of
 General Macdowall from the different Army-stations, to Madras,
 in the beginning of January 1809, that the disputes between
 him and the Government commenced. Till then, let it be again
 remarked, no public controversy had arisen between the Go-
 vernment and the Commander in Chief, or between the Govern-
 ment and the Army. No act of Sir George Barlow's towards
 the Army was at this time complained of; not a single instance
 even of uncourteous behaviour on his part towards the Commander
 in Chief is mentioned: whilst, on the other hand, the proneness
 of that Officer, from the beginning, to take offence is visible.

At this stage, therefore, it may be proper to advert to the
 account which the Dissents give of General Macdowall, in the
 period through which we have been passing.

*The accounts gi-
 ven in the Dis-
 sents of General
 Macdowall.*

Mr. Pattison draws the following contrast: “ Although Ge-
 “ neral Macdowall was not appointed to Council, he was ”
 (that is, during the temporary Government of Mr. Petrie)

* Mr. Pattison's
Dissent, 24 April.

† Dissent of Sir
F. Baring and Sir
H. Inglis.

§ Mr. Elphin-
stone's Dissent
15th October 1809.

"quiet, and to all appearance resigned." "General Macdowall,
"on the part of the new Government, meets with slights."
"Who can avoid tracing the evils which ensued to their real source,
"in Sir George Barlow's harsh and unconciliatory character?" *
General Macdowall's cordial support might have been gained
by attention, civility and politeness." "At the head of the
"Army, pushed from one step to another, he fell at last into
"error which is unpardonable." † Another gentleman seems
to assign the non-appointment of General Macdowall to a
seat in Council, as one of the original causes of the evils;
and he goes on to say, "It was but too true that General Mac-
"dowall had been neglected by the Governor on many occasions.
"It had been the general practice of the service, and often
"directed from the Court, that the Governor should pay great
"attention to the recommendation from the Commander in
"Chief, upon all military promotions, and consult with him
"upon military subjects. All Orders to the Army ought neces-
"sarily to go through the Commander in Chief: those necessary
"and wholesome regulations the Governor entirely left out of
"his sight; and on many occasions seemed to wish to engross the
"power of Governor and Commander in Chief in his own per-
"son." §

Where, we would ask, are the evidences of these comprehen-
sive charges, or any part of them? The records, through the
course of a whole year, from December 1807, to December
1808, afford no fact that can be turned to such a purpose.
These gentlemen have produced no fact. So far was General
Macdowall, who did not know till the 3d November 1807, that
the Commander in Chief was left out of Council, from being
"quiet and resigned," as Mr. Pattison says, that he, imme-
diately on receiving that knowledge, applied to General Hewitt
for leave to proceed to Europe, Mr. Petrie being then Gover-
nor. His Government continued only seven weeks afterwards,
in which little space General Macdowall, then new in the com-
mand, had not opportunity to act such a part as he subsequently
did. At a time when General Macdowall made no complaint
of want of attention, of no harshness or unconciliatory con-
duct

duct on the part of the Governor, and was acting in confidence with him, to suppress insubordination, he proceeded secretly to foment it. Was there any fair "attention or civility" within the Governor's power, which could gain or secure such a man? Did any act of the Governor's "*push him*," amidst professed co-operation, to that species of counteraction which had a decisive effect on the conduct of the Army? If the influence of Counsellor had been added to that of Commander in Chief, would it certainly have been better employed? Mr. Elphinstone § quotes one solitary case, in more aggravated terms than General Macdowall himself uses—the ordering of the Travancore expedition, without previously or fully consulting him. Mr. Pattison || uses the expression of "troops ordered to march without his knowledge," with a double note of astonishment: as if the bare idea carried in it its own condemnation; as if it had been the cause of the evils that ensued; and as these, amongst the other evils, proceeded from Sir George Barlow's "harsh and unconciliatory character." This is the only specific complaint of neglect adduced by General Macdowall himself. On all the other occasions of military equipments, during General Macdowall's command, his opinion was taken, and the details committed to him. His complaint on this, is answered by the Government in the most solid and satisfactory manner.

§ Dissent, 15th
October 1809.

|| Dissent, 24th
April 1810.

From reading the two Dissents just quoted, it might be supposed, that General Macdowall was present at Fort St. George, was wantonly passed over, and this from harshness and unconciliation in Sir G. Barlow. The fact is proved to be, that General Macdowall was in the Northern Circars, far distant from the Presidency; that instant dispatch was most important; the delay of corresponding with the Commander in Chief hazardous to the whole object; and that no temper of Sir G. Barlow's, but the necessity of the public service, induced the immediate commencement of operations, of which, however, at the same moment, full information was sent to the Commander in Chief. When these operations, after being suspended, were resumed, he had returned to the Presidency,

but

* See the Letters of December 1808 and January 1809, on the Travancore expedition.

but never went near the Governor. The Governor, therefore, could not well have a personal conference with him; but he sent the Chief Secretary, Mr. Buchan, to him, with all the papers and communications respecting Travancore; upon which he gave his sentiments at large, and the Officer ultimately placed in the command of the expedition, was appointed expressly on his representation. The letters between him and the Government on these subjects,* mark his extreme disrespect (to use no stronger term) and their exceeding forbearance. Throughout the year, let it be again observed, this affair of the Travancore expedition, is the only one concerning which he made any specific complaint; a fact from which, in his temper of mind, it may be fairly implied, that he had no other charge to bring forward. With the exception of this distorted article, all the charges just quoted from the Dissents are *mere assertions*. They are unsupported by proof, indeed opposed by it: they have nothing in them of the nature of argument, and ought therefore to be wholly laid aside in forming a true judgment. General Macdowall appears to have returned to the Presidency from Masulipatam, early in January 1809. He had adopted and inflamed the pretensions and discontents of the Army; he had impregnated them with his own, and with a spirit of disregard and contempt towards the Government. He had determined to embark for Europe, and, as his conduct proves, to keep no measures with the Government; for Lord Minto states,† that “on his return, he abstained altogether from any communication with Sir G. Barlow, neglecting, or rather systematically refraining from common visits of ceremony, and withholding the most usual observances of exterior respect due to his station.”

† Letter 5 February 1810, para. 24.

Enumeration of the public acts of General Macdowall against the Government,

We approach now to those public official acts of his, which directly attacked the authority of Government, and brought into practical question, its supremacy over the military body; out of which acts sprung the events that immediately preceded the revolt. Under the first head may be enumerated:

The arrest of Lieutenant Colonel Munro, Quarter-master General,

General, in order to be tried for an official opinion delivered by him in 1807, relative to the Tent Contract :

The presentation and warm recommendation by General Macdowall, of a Memorial from the officers of the Army to the Court of Directors, containing a variety of claims, and among others, the right of having the Commander in Chief in Council as their representative :

The censure of Lieutenant Colonel Munro, and virtually of the Government itself, in a General Order addressed to the Army, for his successful appeal to Government, to be delivered from arrest ; and,

The address of General Macdowall to the Army, on his quitting the command of it ; in which he arraigns the conduct of the executive body of the Company.

Under the second head the more important articles are :

The release of Lieutenant Colonel Munro from arrest, by the Government :

*and of the event
thence arising.*

The dismissal of Lieutenant General Macdowall, Commander in Chief, and of Lieutenant Colonel Capper and of Major Boles, Adjutant and Deputy Adjutant General, from their respective situations, for circulating the Address to the Army, censuring Lieutenant Colonel Munro, and the Government through him :

The Government General Order of the 1st May 1809, suspending certain Officers, for being concerned in preparing and circulating a seditious Memorial or Remonstrance to the Governor General, and a seditious Address to Major Boles :

The public acts of the Hyderabad Subsidiary Force, rejecting the compliment paid them by Government on the 1st of May, declaring their participation in the sentiments of the disaffected Officers, and their intention to separate themselves from the

the authority of Government, unless the General Order of the 1st May was rescinded :

The open revolt of the Garrison of Masulipatam :

The publication by the Hydrabad Force, to the Government and the Army, of what they called their Ultimatum, requiring the revocation of the General Order of 1st May; the restoration of all Officers who had been removed; and an amnesty for the whole Army :

The open rebellion of the troops at Hydrabad and Seringapatam :

The establishment of an organized system of combination throughout the greatest part of the Company's Madras Army, for subverting the authority of Government by force of arms; and,

The requisition by Government, on the 26th July, of a test of loyalty from the Officers, in order to discriminate the enemies of Government from the well affected

How these subjects have been considered by the Court—

Military Letters from Fort St. George, 29 Jan. 1809; 31 Do.; 3 Feb.; 28 Do.; 13 May; 6 Sept.; 10 Do.

Letters from the Supreme Government to Fort St. George, 20 Feb. 1809; 27 May.

Governor General's Letters 25 April 1809; 15 Sept.; 12 Oct.

Military Letters to Fort St. George, 15 Sept. 1809; 29 Do.; 7 Feb. 1810; 1 May.

It is not our intention to enter particularly into the history, or the merits of these various transactions. This is already done in the Indian dispatches and consultations received from the Presidency of Fort St. George, from the Supreme Government, and from the Governor General; and in the answers sent to those dispatches by the Court of Directors, with the sanction of the Board of Commissioners, acting, as no doubt they did in so momentous a case, with the approbation of His Majesty's Government. We have from conviction and duty approved and supported the principles, the reasonings, the decisions contained in those answers, from the authority which is supreme in the Government of India, upon all the matters in dispute between General Macdowall and the Madras Officers on the one hand, and the Governments of Fort St. George and Bengal on the other, and also upon the conduct of those

those several parties. The arguments and the evidences on which the Court have founded their decisions, we have a right to consider as valid, until they are refuted or are overpowered by other arguments and evidences. But we presume to say, that this is not done in the Dissents before us, in respect to the causes which produced the revolt, and to the conduct of the parties concerned; neither does this method appear to be proposed in them. They do not discuss the arguments and reasonings of the Court; they do not invalidate the evidence on which the Court have proceeded, nor prove that it has been unfairly used; nor do they introduce opposing evidence. They assign certain grounds of dissent, and those grounds, as far as they relate to the causes of revolt, (of which we now speak) are stated very much in the way of *opinions*, which, however strongly they may be delivered, are not entitled to claim the assent of others, unless the premises of facts or principles, on which they are founded, and the conclusions justly deducible from them, are exhibited, and are found to warrant such a claim. Nor will assent be more readily yielded, if the language of passion or declamation is used, and if the opinions are opposed by a great majority of the constituted authorities in England and in India. Such certainly is the case here; therefore the arguments employed by the Court, (of which we were concurring members) we are entitled to have considered as part of this defence, equally as if they were specified in it. And we may likewise claim the benefit of the luminous writings of the Governments of Bengal and Fort St. George, particular of those noted in the margin, upon the insubordination and revolt of the Madras Officers. Writings, many of which, though produced in times of great disorder and peril, are, in our opinion, in reasoning, temper, and composition, surpassed by no State Papers on the records of the Company.

*and are treated
in the Dissents.*

Bengal Letter to
Fort St. George,
20 Feb. 1809; 27
May.
Governor General
to Court of Direc-
tors, 25 April 1809;
15 Sept.; 12 Oct.;
5 Feb. 1810.
F. S. G. Letter to
Court, 29th Janu-
ary, 1809. Gene-
ral Order, 6th Feb.
Letter to Court, 28
Do. 1809. General
Order, 1 May, 1809.
Do. Do. 12 Aug.
1809. General Let-
ter to Court, 10
Sept. 1809.

In opposition to the tenour of the voluminous official documents and evidences from India, and the conclusions formed from them by the authorities in this country, it is, we must be allowed to repeat, the main scope of the Dissents to maintain, that all the evils which have occurred in the Madras Army, and

especially the revolt, have been wholly, or chiefly, occasioned by the temper and the measures of Sir George Barlow. Although the numerous evidences and arguments to which we have already appealed, leave, as we conceive, no room for the further maintenance of this doctrine, and it is lest easy to argue against mere assertions, yet we shall beg leave to offer some remarks upon it. This is certainly the language of many of the guilty Officers and their abettors. It is the only plea which it is possible to use for them. It is the plea by which numbers still hope to procure impunity to themselves, and disgrace to the Government they have opposed. But how carefully and impartially ought all existing evidence to be weighed, before this conclusion is formed. If wrong, it treats with the most cruel injustice those, who, by their wisdom and fortitude, have saved an empire; it extenuates the criminality of soldiers who have turned their arms against their Employers and their Country; it encourages insubordination, and discourages future resistance to it.

Observations on the opinions given in the Dissents on these subjects.

This proposition seems to assume, that the Officers were, by the *immediate impulse of provocation*, transported from a settled state of contentment, to a state of insubordination. The error of this proposition has been demonstrated. The proposition seems also to imply, that a revolt was the greatest possible evil;—there was, however, in our opinion, a greater possible evil—the timid, weak submission of Government, to military controul and usurpation. The prevalence of such a power would have subverted the Civil Government, and forced us at length, under accumulated disadvantages, to contend by arms for the re-establishment of legitimate authority. It seems to be taken for granted in the Dissents, that if any act of Government was made by the Officers *on occasion* of insubordination or revolt, that act must necessarily have been wrong. But the measure must be judged of by all the circumstances as they appeared at the time. It might have been dictated by duty, or have been unavoidable.

The crisis arrived when the Government had only to make its election between submission to the Army, and contest with it.

it. Will it be said that the Government ought to have chosen submission? The Dissents do not affirm this (though something tantamount to it has been said elsewhere); but they dwell in so unqualified a way upon the evils of harsh measures, and the want of conciliation, as to leave one of two things, or perhaps both, to be inferred, that the authors would have deemed large concessions preferable to the continuance of a contest; or think that both concessions and contest might have been avoided by a conciliatory spirit and conduct in Sir G. Barlow. As to the first point, we conceive it has been proved in the writings already quoted,* and is evident from the nature of things, that concession would, in effect, have been submission. With regard to conciliation, it is a topic upon which a great deal has been said, but said, as we think, without either due proof or explanation. The Dissents, the writings of Mr. Petrie, and all the publications which have appeared in behalf of the Officers, are full of this topic. All concur in charging Sir G. Barlow with the want of conciliation, and in maintaining, either that this want occasioned many of the evils which ensued, or, what is much the same, that the exercise of conciliation would have prevented them. Either way *the question is begged*, and what is advanced on this head *resolves itself into matter of opinion*. Where the inquiry is concerning the causes of a most momentous event, and the conduct and character of a great public officer, surely more is requisite. The language held respecting *conciliation*, conveys no idea of limit either in the exercise of it, or in its efficacy. But are we to suppose the one or the other may be unbounded? Might not an Army be so confederated, and determined to obtain certain objects from the Government, as that no personal courtesy and civility, on the part of the Governor, could soothe and charm them from their purpose? And might not a Governor, with the most conciliating disposition, be enforced, by his instructions and his duty, to oppose their demands, even at the hazard of irritating them, and becoming unpopular with them? These points should be weighed and settled before the doctrine of conciliation is applied, especially after the solemn declarations repeatedly made by Sir G. Barlow and the Madras Government. "We observe with

* The dispatches from India, and the Answers of the Court.

† General Letter,
31 January 1809.

“concern,” say they, † “that the Commander in Chief has conveyed his sentiments in terms unusual in public correspondence, and with disrespect to the authority of Government. But we consider it our duty to abstain as much as possible from controversial discussion of this nature; and we trust that our desire to evince every possible respect for the station of the Commander in Chief, will be apparent.” See also their strong profession to the same effect, on occasion of the arrest of Lieutenant Colonel Munro. ‡

‡ General Order,
6 February 1809.

Inquiry how conciliation could have been applied in the several cases of dispute, and brief review of them to that end.

The arrest of Lieutenant Colonel Munro by Gen. Macdowall, and his release by Government.

Certainly we ought no longer to be left to vague generalities on this subject, or to unlimited accusations standing not on proofs, but on assertions and conjectures. We wish particularly to obtain some definite idea of the manner in which the honourable authors of the Dissents would have had conciliation practically employed in the different questions that arose between the Madras Government and the Army, and of the extent to which they think that, under all existing circumstances, it should have been carried, or that Sir G. Barlow, consistently with his duty, could have carried it. Let us turn to the commencement of their disputes, and place ourselves on the scene as it then stood. The first question that arose was concerning the arrest of Lieutenant Colonel Munro, which happened about the 20th January 1809. Until this time, it should be once more remarked, there had been no matter of controversy between the Army and the Government since the accession of Sir G. Barlow; but we have seen what the conduct of General Macdowall had been through the last half of the preceding year. What he had stated in the month of May of that year, to the Governor, was then still more emphatically true, and by his own means,—“that the seeds of discontent were very widely disseminated;” and that “the spirit of remonstrance extended further” than the Governor was aware of; so that the Army, “who,” as he said, “had formerly gained so many points by representation,” were combined to bring forward, under his auspices, and strengthened by his public sanction and recommendation, not only the one claim which he had before ostensibly discouraged, but a variety of claims, and among them a seat in Council for “the Representative

“sentative of the Army.” General Macdowall’s “deliberate intention,” (to recur to the words of Lord Minto) “to make the Army an instrument of opposition and disturbance to the Government,” is manifested by what he had done, and by the further measures he pursued.

The first of these was the trial of Lieutenant Colonel Munro, who had advised the abolition of the Tent Contract ; by which trial the Army would be gratified, and the Government affronted and degraded. The case is stated and discussed in the Court’s letter to Fort St. George, of 15th September 1809. Never was there one more clear, nor a proceeding more plainly factious and insubordinate. For using some expressions perfectly fair in general reasoning, according to the principles of human nature, in a confidential opinion, which the duty of his office and the injunction of the Commander in Chief required him to give, respecting the operation of the Tent Contract, Colonel Munro was a year and a half afterwards arraigned, by a number of Officers commanding native corps, of false insinuations injurious to their characters. Sir J. Cradock, the late Commander in Chief, had adopted his opinion ; two Governments of Madras preceding Sir G. Barlow’s time, and the Supreme Government, approved of it ; and his plan of abolition was carried into execution. These authorities had made the whole their own measure. But, “aided by collateral circumstances, the adoption of the improved system had excited a great degree of clamour in the Army, and the Quarter-master General was chosen as the object of obloquy.” Now it was proposed by the accusers and General Macdowall, although the words were evidently within the natural scope of official discussion, and Colonel Munro had disavowed all intention of reflecting on any individual, that he, a confidential Staff Officer, for an act which the discharges of his bounden duty according to his conscience demanded of him, should be brought to the ignominy of a public trial ; and General Macdowall, without even apprising the Government, actually put him under arrest for that purpose, although he had been previously informed by the Judge Advocate General, his legal adviser, whose opinion he

he had required, that the charges were of an illegal nature. This was at once to strike at all fidelity in Staff Officers, and to bring the measures of Government before a military tribunal for decision. The Advocate General also, whose opinion on the case had been required by Government, stated that Lieutenant Colonel Munro was entitled to their decided support. The Officers themselves state in a Memorial to the Government, on hearing their proceeding was illegal, that they solicited the charge might be *suspended*; but General Macdowall has said that he had not seen *that Memorial*, when on the 20th January, he directed Lieutenant Colonel Munro to be put under arrest. The letter, however, of the Officers, to the Adjutant General, conveying that Memorial to the Commander in Chief, is dated in December. The Government used all the endeavours they could, to prevent General Macdowall from persisting. Nevertheless he refused, with very aggravating circumstances, to release Lieutenant Colonel Munro. What were the Government to do in this case? It may be said, to *conciliate*. "It was the wish and endeavour," they affirm, "of the Government and Council, to effect this object," (the removal of the arrest) "by every means of conciliation and explanation;" but their efforts were fruitless. Were they then not only to abandon to persecution and the shame of a public trial, a most meritorious and confidential public Officer, for the performance of his duty, but to submit their own acts to the judgment of a tribunal of their Officers? This was the question they had to decide upon, but not the only question depending. The proceeding was plainly the work of military combination, directed against the authority and dignity of Government itself, and its success would certainly encourage other attacks. They were forced, therefore, to act here, as in several following instances, in *their own defence*. "We should not," say they to the Court*, "in ordinary circumstances, have adopted a measure of this nature, but we are satisfied that a more fatal shock to the public authority could not have been experienced than in permitting the charges which had been preferred by the Commander in Chief against Lieutenant Colonel Munro, to be brought under the investigation of a Court Martial. " This

* General Letter
29 January 1809.

" This measure would have involved in its immediate effect,
 " under circumstances of the most offensive nature, the de-
 " gradation of the public acts and character of the Govern-
 " ment, the annihilation of all confidence on the part of its
 " public Officers, and the utter confusion of the departments
 " under its authority."

Colonel Bannerman is the only Member of the Court who has maintained that this proceeding of the Government was contrary to law, founding his opinion on the Act of 27th Geo. II. The discussion between the Colonel and us, of a legal point, would perhaps not entirely settle it. But he has not answered, and we apprehend will find it impossible to answer, the following opinion of the Court, on the demand of a combined number of Officers, for a Court Martial on Colonel Munro. †

Observations in the Dissents upon the affairs of Lieut. Colonel Munro, and Answers to them.

† General Military Letter, 15 Sept. 1802.

" Para. 13. If any Officer thought himself alluded to or
 " aggrieved by any thing that Colonel Munro had said, he
 " might easily have repelled the supposed imputation by de-
 " manding that, if he were suspected, he should be brought to
 " trial upon it. Government would then either have granted
 " a Court Martial, or would have officially and publicly de-
 " clared, that no imputation rested upon such Officer."

" 14. Each individual Officer would have had an undoubted
 " right to have demanded such a clearance or trial for himself;
 " but an Officer in command of one particular corps cannot,
 " in the nature of things, undertake to answer for the conduct
 " of an Officer in command of another corps, far removed,
 " perhaps, from his possible observation; much less for a whole
 " body of such Officers so circumstanced."

" 15. The character of each individual must be distinct
 " and particular, and a combination, therefore, of many
 " Officers, to repel insinuations (supposing such to have been
 " advanced) against unnamed individuals of their body or class,
 " respecting whose conduct the personal knowledge of the
 " Members,

“ Members, generally, of that body, could not enable them to
 “ speak, does not seem to be founded in any principle of
 “ equity; nor would it be justified by alleging that general
 “ insinuations against the whole body, but pointing to no
 “ Officer by name, could not be met in any other manner;
 “ for the obvious course to be followed in that case would
 “ still be, that every individual Officer who conceived his
 “ character to be brought into question, should desire to have
 “ his own conduct separately investigated.”

“ 16. But we are the more astonished at their proceedings,
 “ when we consider the expressions which have been assigned
 “ as the ground of the charge. Detached as they have been
 “ from their context, they still appear to us to be couched in
 “ the usual style of official discussion: and to be as far from
 “ conveying any imputation against individual characters, as
 “ the Minutes of Sir J. Cradock and Mr. Petrie, by which
 “ the plan was supported. But when they are considered, as
 “ they actually stand in the Paper prepared by Colonel Munro,
 “ as forming a part of the chain of reasoning founded upon
 “ general principles, it appears to us, that no inference can
 “ fairly be drawn from them unfavorable to the character of the
 “ Madras Army.”

To us these remarks alone appear conclusive against granting the Court Martial in question, and therefore against the *legality of the arrest*; but on the general question, of the power of Government to remove arrests, it is fair to refer to the very able opinion of the Judge Advocate General of Madras, supported by that of the Advocate General, which maintain the legality of it. The Indian Governments are in the general practice of ordering Officers under arrest; and their right to release is understood by the Judge Advocate to be a received principle in the Army. It is certain, that long after the Act of George II. that is, in 1783, the Government of Madras exercised the power of removing an arrest imposed by the King's Commander in Chief upon a *King's Officer*. * The Judge Advocate mentions also a case where two Officers had been recently released

* Col. Sterling.
 See F. S. G. Select
 Letter, 24 January
 1784.

released by the Bengal Government, from an arrest, under which they had been placed by the Commander in Chief of that Army; and however the Act of George II. (passed before our acquisition of territorial dominion in India) may have been intended, we conceive that it must merge in the very large and comprehensive powers given to the Company's Governments by the Acts of 1784 and 1793, in all matters, military as well as civil.

Colonel Bannerman says, "it might be a distinct and aggravated ground of accusation," that the "insinuations" and "aspersions" contained in Colonel Munro's Report, were adopted by Government as their own; and that it is wretched sophistry to contend that, because a public act has been founded in "calumny," therefore the "calumny" ceases to be such. But in all these remarks he evidently begs the old question. It is denied that there is any insinuation, aspersion, or calumny, actual or intended, in the Report. Colonel Munro has disavowed all intention of reflecting on the Officers. Government have declared, that under any correct construction, no offensive meaning can be attached to the words used by him.

Mr. Elphinstone and Mr. Pattison charge Sir G. Barlow with having brought Colonel Munro's Report "most unnecessarily" out of the secret Records, and delivered it to the Adjutant "General."* "Hence," says Mr. Pattison, "sprung the fatal feuds between Colonel Munro and the Officers." The fact, however, is, that Colonel Munro's proposition for abolishing the Tent Contract, after having been referred to Government, was submitted to the examination of some Officers of talents and experience, and, on receiving their concurrence, adopted by Lord W. Bentinck, referred to the Supreme Government in the Public Department, and in the time of Mr. Petrie, entered on the Consultations in the Public Department on the 7th October 1807, and transmitted to the Court of Directors with the public letter of 21st October 1807. To suppose, therefore, that from the period of all this publicity, which took place before the arrival of Sir G. Barlow, the paper could remain a secret to the Officers, (if indeed it was not known to them still

* Note.—Had the fact been as here stated, these Gentlemen would have done better to have denounced the conduct of the Staff Officer who betrayed the confidence of the Governor, by the communication of a secret record.

earlier,) would be altogether idle. But we have the account of this matter unfolded in Lord Minto's last dispatch. According to the information given to him by Colonel Munro, (who would hardly venture to state, on such a point, what he could not substantiate,) Colonel Capper, Adjutant General, the intimate friend of General Macdowall, forwarded to several Officers in his own and General Macdowall's confidence, all the passages in Colonel Munro's Report, that could be construed into an offence to the Army; and these passages were soon transmitted by the Officers, two of whom were Colonel Vesey and Colonel Sentleger, to the Commander in Chief, with a demand for justice, &c. This points distinctly to the confidential friend of General Macdowall, as the source of this business; and General Macdowall's refusal, as will be seen afterwards, to receive a public disavowal from Colonel Munro, of the sense put on his words, which must have stopped the whole proceeding, gives him the appearance of being a party in the design. It was not till the month of June 1808,* *eight* months after Colonel Munro's paper had been a *public document*, and when the Commander in Chief had decidedly adopted and fomented the discontents of the Army, that the idea of arraigning Colonel Munro was agitated: and it was three months more before charges against him were brought forward. Mr. Elphinstone's representation, therefore, that the Officers acted on coming to the knowledge of the paper,—that "*they took fire*" as on a sudden discovery, and demanded a Court Martial, is not only wholly unsupported by evidence, but opposed by it. Some other views which he gives relative to this matter may also be noticed. He says Colonel Munro intended the agency of the new system of tent provision for himself. We presume he infers this because the new plan proposed to charge the Government with the provision of tent equipage, and it might hence fall within the province of the Quarter-master General; but the plan no where points to any salary or emolument for the superintendence of that business; and it is unwarrantable to insinuate, without the least evidence, that an Officer of distinguished character was influenced by private motives in recommending a great public measure. The honourable Writer forgot, on this occasion, that he was,

* Col. Munro's Letter to Government, 22d Jan. 1809.

at the moment of writing these words, treating with tenderness the complaint of Officers who, only on a construction of general expressions, alleged themselves to be aggrieved; he forgot too his own rule of adhering to the public records; and unhappily the Dissents before us furnish very numerous instances of the same nature, without supplying the want of public proofs by any satisfactory private evidence. But, on the other hand, Mr. Elphinstone thinks "General Macdowall might have had many good and substantial reasons for what he did, which we as yet know not." It is to be presumed, then, that the reasons he publicly recorded in his letter of the 25th January 1809, were not thought by him "the best reasons," and that he reserved till he came home, reasons "good and substantial," for a body too, with whom he would not condescend to have further explanation? Mr. Elphinstone says, General Macdowall seemed desirous to prevent a Court Martial, and declined it to the Officers individually. It appears, however, from the facts, that his objection was not to a Court Martial, but to individual application for one; which was, as has been already shown, the only way wherein such a business could be taken up by him. "When," says Mr. Elphinstone, "a Court Martial was requested by 19 of the senior Officers, its complexion was entirely changed;" which is most true, for then there was a combination, and a charge which it was impossible any one Officer could intelligently make on behalf of all the rest. "But he (General Macdowall) still tried to stave it off," and "applied to the Judge Advocate for his opinion." Did he then, on being advised by that Officer, that the proceeding would be illegal, and on being strongly dissuaded by him to refrain from it, gladly avail himself of such authority, to put an end to it? Quite the contrary. In defiance of this opinion of his legal adviser, he persisted in bringing the charges forward. "But he gave full time," says Mr. Elphinstone, "to the Government, to explain their sense of the Memorial to the General, and for him to have done it to the Officers; which would, in all probability, have had the desired effect; and they had no reason to doubt but he would have been as ready to have done it upon this occasion as he had been upon a former:

“ but nothing of the kind was attempted.” Whether the explanation of the sense of Government, or the General’s readiness to convey that explanation to the Officers, *as on the former occasion* (respecting the suppression of the Memorial for Bengal allowances) would have had the desired effect, the account already given of that former occasion may show. But he did not so much as inform the Government that a charge was preferred to him, against Colonel Munro, though it evidently involved a question concerning their acts. They were not indeed uninformed of the fact ; but, instead of interfering to tell him what was his duty, they concluded “ he would take due means to suppress such factious proceedings, and give the Quarter-master General the protection to which every public Officer was entitled in the performance of his duty.” However, to the great surprise of Government, he even put Colonel Munro in arrest, without giving him any previous intimation. Still they thought the communication of their sentiments of the arrest, as “ contrary to the clearest principle of order and justice,” would induce General Macdowall to remove it. So far from it, that he told them it was his intention to bring an additional charge against Lieutenant Colonel Munro, for having appealed to Government ; “ without which appeal,” say they, “ we should have had no authentic information of the circumstances of the case, until the conduct of Lieutenant Colonel Munro, and with it the proceedings and orders of the Government, had been brought before a Military Tribunal for decision.” “ But,” says Mr. Elphinstone, “ he gave full time to the Quarter-master General to explain away the offensive expressions : ” “ Even he would make no advances.” Does General Macdowall himself insinuate any thing of this kind ? No ; and as at the same moment that General Macdowall made the affair a public one, Colonel Munro publicly disavowed the injurious sense put upon his words, and did this still in time enough for General Macdowall to have acted upon this disavowal, had he been so disposed, the fair presumption is, that he made this disavowal personally to General Macdowall from the beginning. But we are now relieved from conjecture in this matter. Colonel Munro

Munro has stated to Lord Minto, that on first learning from General Macdowall, about the month of September, of the dissatisfaction of the Officers on this score, he "earnestly requested the General to permit him to address a letter to him, disavowing the meaning imputed to his words, which they were never intended to express. General Macdowall refused his permission, as the Tent Contract, he said, was done away without his being consulted ;"—a very inadequate reason, for he was not Commander in Chief when the measure passed. Colonel Munro "repeated the application without success ; and Colonel Campbell, who, at his request, also urged it, though of the General's family, was likewise refused." The public disavowal made by Colonel Munro is in these words : that "in preparing the Report upon the Tent Contract, nothing was more remote from his mind than to state a sentiment in any respect adverse to the honour, integrity, and military virtue of any portion of the Officers of the Army."—"General Macdowall acted," continues Mr. Elphinstone, "with great coolness and deliberation, very unlike a man wishing to promote discontent or disaffection." "After so long time for deliberation and conciliation, he ordered the Quarter-master General under arrest ; and from that moment we hear the heaviest accusations of the General." Whatever coolness and deliberation he might have used, it was clearly not in view to conciliation ; for he neither communicated the charges to the Government, nor his intention to proceed to the arrest ; neither would he remove the arrest at their request, though Colonel Munro had previously made the public declaration just quoted ; nor offer any acknowledgment for a wanton, indecent attack on Government, in a public letter to Colonel Munro. An observation of Lord Minto's is so apposite here, that we cannot avoid quoting it. "If General Macdowall's not being consulted about the abolition of the Tent Contract, furnished an adequate reason for refusing to a person accused the common privilege of being heard in his justification, in order to avert a criminal prosecution, it was not thought sufficient by General Macdowall to prevent him

" from

“ from interfering much more deeply and efficaciously in the
 “ affair of the Tent Contract, by placing Lieut. Col. Munro in
 “ arrest upon the very accusation, in an earlier stage of which
 “ affair he had employed that pretext for suppressing an expla-
 “ nation which must have precluded the whole proceeding.”
 Was he here “ *pushed on from step to step*,” as has been said
 for him specifically in one Dissent, and virtually in most of
 them? Or did he, against all dissuasion and remonstrance,
 persist to set a firebrand, just as he was quitting the scene,
 to that mass of combustibles which he so well knew had
 been before collected? The accusations “ from that moment”
 brought against General Macdowall, are only of public noto-
 rious acts which the Government could not tolerate or overlook.
 Their having forborne till then to record any animadversion on
 his conduct, though they could not have been ignorant of the
 part he was acting in the Army, especially after his public
 Address to the European regiment at Masulipatam, does not
 look like severity or harshness of disposition. In respect to
 the arrest, the history of that affair must demonstrate that the
 want of conciliation did not lie on their part, and supports the
 declaration made by Government to the Army soon after, on
 the 6th February 1809. “ It was the wish, it was the earnest
 “ endeavour of the Governor in Council to effect this object,”
 (the prevention of the evils which bringing Colonel Munro to
 trial would have occasioned,) “ by every means of conciliation
 “ and explanation; but such means having been used in vain,
 “ and even repelled under circumstances highly offensive, no
 “ alternative remained but that of conveying a specific order
 “ for the removal of the arrest.”

We have dwelt the longer on this first subject, to shew that
 there is not the least ground for charging any thing to the want
 of conciliation on the part of the Government; but abundant
 proof of a spirit of animosity and faction on the other side; and
 we have wished also to give a specimen of the way in which,
 generally, the Dissents comment on the conduct of the one
 party and the other. The limits we must prescribe to ourselves,
 will

will not allow us to follow, with the same detail of observation, the views given in those Papers of the subsequent events, to which we now proceed.

Whilst the affair of Colonel Munro's arrest was yet pending, General Macdowall, on the 23d January, transmitted to Government a Memorial from the Officers of the Madras Army to the Court of Directors, complaining of many alleged grievances—their state of banishment, their poverty and prospects—the abolition of the Bazar allowances, full batta, and the Tent Contract—the inequality of their allowances, to those of Bengal—and the “Representative of the Army, the Commander in Chief,” being deprived of his usual power, and seat in Council, &c. This last point is urged with peculiar earnestness; and whilst the tenour of the Memorial seems to point to very general redress, they distinctly claim the restoration of the profits of the Bazar fund, and to be placed permanently on the same allowances as the Bengal Army, *as their just rights*.

*Memorial from
the Officers,
transmitted by
Gen. Macdowall
to Government.*

When the Memorial projected in May, which had for its object only the obtainment of Bengal allowances, is compared with the present, it will be evident that some powerful influence must have operated upon the minds of the Officers, to work them up to such an unprecedented representation. It should be observed, that not one of the articles of grievance set forth in it, originated with Sir G. Barlow. It condemns the acts of preceding Governments, ratified by the Supreme Government and the Court of Directors. It claims certain allowances as *matter of right*; it interferes with the prerogative of the Court of Directors, in framing the Civil Government, requiring a seat in Council for the “*Representative of the Army*,” thus incorporating the cause of General Macdowall with their own; and all this is done at a moment (we must be pardoned for repetitions) when the well-known exigencies of the Company had imperiously demanded a very general reduction in their expenditure—when the resentment of General Macdowall against the Court of Directors, and his hostility to the actual Government of Madras, were notorious—and when the Government had been

been deliberately attacked by the arrest of Colonel Munro. And all this was done by *combination*, in direct violation of the general regulation of which the Officers had been reminded by the circular letter of May.

* Of 15th Sept.
1809.

After reviewing the different subjects of this Memorial, and what has been said on them from India, and by the Court of Directors in the letter to Fort St. George*, and after considering the time and manner in which it was brought forward, hardly any one will be disposed to maintain that it is not animated by a vehement spirit of insubordination and encroachment; neither will it be contended that, if General Macdowall's part in this proceeding had been put wholly out of view, the Government could have done otherwise than express a decided disapprobation of it.

But was it possible to consider it distinct from the share he took in it? That share gave a new and alarming aspect to the whole—a combination between the Commander in Chief and the Officers of an Army, to press each other's objects upon the Government—objects not to be yielded—and to endeavour to carry them by a general attack, in violation of all the rules of subordination! And what an appearance does General Macdowall make on this occasion! He who had, but eight months before, as his duty required, though the question was only about *one* of the many points now contended for by the Officers, warned them by a circular letter of the culpability of the course they were pursuing, and the obligation which would attach upon him to bring to punishment the leaders in such a proceeding, he now comes forward, with the most indecent inconsistency and disregard of the duty of his high station, to abet all the discontents of the Officers, and all the accumulations of their extravagant pretensions, “to do every thing in his power “to protect their rights and redress their grievances;” and with a plain intimation that the Government will not be *generous* or *just* if it does not also espouse their cause. It was not possible General Macdowall and the Army must not have been aware that the Government could give no countenance to such

a pro-

a proceeding ; that it was a proceeding in defiance of subordination and positive rule, at the most exceptionable time which could have been chosen ; and that General Macdowall's part in it was a flagrant insult to the Government. If the Government had then proceeded to inflict punishment upon General Macdowall, and to expose to the Officers, in General Orders, their highly blameable conduct, they would certainly have still been within the line which the case warranted ; but they took the least notice of this proceeding that was possible, compatibly with their duty. They only stated, in answer to the Commander in Chief, that they could not view the sentiments contained in the Memorial without extreme disapprobation, and that they would suspend the final disposal of that paper until it had been laid before the Supreme Government—no notice whatever is taken of the conduct of General Macdowall. Does this look like harshness, severity, arbitrary, oppressive proceeding, of which so much is said in the Dissents ? Like any desire to irritate or provoke, or to indulge an unconciliatory spirit ? And we wish those who see in the proceeding of the Madras Government, on this trying occasion, a want of conciliation, would be pleased to explain how that principle could otherwise have been applied here. Do they think it could have been hoped, that solicitations on the part of Government, if such could have been used to individuals, would have broken the confederacy ? Or that soothing speeches would have made the confederacy relinquish their objects ? To expect any thing of this sort argues, in our opinion, a most erroneous conception of the very serious nature of this case. This was not, as we have remarked on another occasion, the sudden ebullition of a new impulse ; it was the progress of a long existing principle, now much invigorated by additional influences, and grown to a size truly formidable. The Government seem to have had a just idea of their situation and their duty ; and to have had far higher and better objects than the indulgence of tempers and humours of their own. They appear to have been sensible that there was danger, and that they ought to maintain their legitimate authority with temperate firmness. In our humble judgment, this was

Inquiry how and what conciliation could have applied in the case of that Memorial.

the true line of policy in their circumstances, and will be so in all similar cases in our Indian Governments.

Factions in the Civil branch of the community, which strengthened the insubordination of the Military.

It was the more necessary to act upon these principles at this crisis, because the military faction, though the most formidable, was not the only one the Government had to guard against. There were also factions among the Civilians which, excited by private and personal interests, were most active in decrying the Government, and exceedingly increased the prejudices against Sir G. Barlow. These, though in themselves less formidable, added to the confidence of the military combination, and derived encouragement from it. With these it was natural that a man taking the line General Macdowall did, should fraternize; and of the fact of his having done so, there is sufficient evidence.

* Mr. Elphinstone's Dissent, 15 Oct. 1809, Mr. Pattison's 24 April 1810.

We wished to advert in the briefest manner possible to these collateral circumstances, our main subject being amply sufficient for one paper; but so much reference has been made to them in the Dissents,* and we think with such extreme incorrectness, that it becomes indispensable somewhat to enlarge our view of them.

The other Dissents of the latter period dwell on the unpopularity of Sir G. Barlow.

† Letter of 5th February 1810, para. 15.

Rise of the unpopularity of Sir G. Barlow.

We must begin, however, with observing, that it would now seem "unpopularity had accompanied Sir G. Barlow to Fort " St. George." Until we saw Lord Minto's late dispatch † we were not apprised of this fact, nor prepared for it, by the general character which, as far as our knowledge went, a long course of distinguished service in Bengal had established for Sir G. Barlow. The cause, however, is highly to his honour—" a firm and faithful discharge of ungracious and unpopular, " but sacred and essential duties, not sought or relished by " himself, but cast, by circumstances peculiar to the times, on " the period of his administration in Bengal." This is a cause that should endear a servant to his employers; and it more intelligibly accounts for Sir G. Barlow's unpopularity at Madras, than a reason assigned by Mr. Petrie—" his wishing, in almost every case,

Observations on Mr. Petrie's account of that unpopularity.

“ case, to make Bengal the standard or criterion for conduct-
 “ ing the affairs of this Government.” * We do not discover • Statement p.
 on the records, nor have we heard from any other quarter, of
 any material change made by Sir G. Barlow, in the manner of
 transacting the public business. It is sufficiently understood,
 that the earlier establishment and longer practice of the Bengal
 Government in the exercise of territorial dominion, have given
 a priority and an advancement to its institutions, which have
 made them, in very important branches of administration,
 models to the other Presidencies: and if Sir G. Barlow saw
 that, in any of the details of business also, the improvements
 of Bengal could be grafted on the usages of Madras, it was his
 duty to recommend the change. But the language of Mr. Petrie
 implies, that he must have attempted this upon a very large
 scale, and almost immediately after his arrival. “ On general
 “ principles,” † says Mr. Petrie, “ respecting policy, finance, † Printed State-
 “ commerce, and revenue, an uniformity of system is just and ment, p. 7—8.
 “ beneficial to the public interests; but in the details of busi-
 “ ness, and in arrangements which are affected by local circum-
 “ stances, by physical or moral distinctions, amongst the native
 “ inhabitants, it is unwise and inexpedient to attempt it. Ex-
 “ perience universally admits, that the laws, customs, forms,
 “ and practice, which may be beneficial to one State, Govern-
 “ ment, society, or people, may form irreconcilable differences,
 “ and be radically and totally inapplicable to others.” We are
 not able to collect very definite ideas from these passages, nor
 prepared to contend for such a sweeping uniformity of principle
 as Mr. Petrie approves: and we think that changes in the *modes*
 of transacting business, especially changes for the better, among
 Europeans, need be attended with little difficulty. But what
 “ arrangements affected by or affecting the *physical* and *moral*
 “ *distinctions* of the *native inhabitants*,” has Sir G. Barlow at-
 tempted? The natives have been perfectly quiet and loyal when
 Europeans were setting them a very bad example. Has Sir G.
 Barlow endeavoured to introduce *laws, customs, or even forms*
 and practice irreconcilable, totally and radically inapplicable to
 the natives and Europeans of Fort St. George? Certainly if
 his numerous enemies could have quoted instances of this kind,

we have no reason to imagine we should not have heard of them: and it would have been well if Mr. Petrie had been more particular, and if there were such innovations, had officially marked his opposition to them, instead of intimating them for the first time in terms vague, but likely to instil prejudice in persons at a distance who, seeing some of the general positions plausible, may likewise infer that there has been reason for the application.

The case of Mr. Sherson, a civil servant, made a party question.

* Mr. Pattison's Dissent, 24th April 1810.

View taken of it in some of the Dissents.

If Sir G. Barlow, from the performance of ungracious duties, brought unpopularity with him from Bengal, it appears that he was unfortunate in being called to a new occasion of the same kind soon after his arrival at Fort St. George. We allude to the case of Mr. Sherson. As the Court have not yet decided upon this case, we should think it premature to give a final judgment upon it, had we completely gone through the two large folios which are filled with the documents concerning it. But Mr. Pattison* having declared it as his opinion not only that, in every case in which Sir G. Barlow and Mr. Petrie, have differed, (and consequently in this,) "Mr. Petrie was right, " and Sir G. Barlow wrong," but having condemned Sir G. Barlow specifically for his conduct towards Mr. Sherson, we deem it necessary to say, that the perusal of the principal papers in this discussion, including the Minutes of Mr. Petrie in defence of Mr. Sherson, has not impressed us with Mr. Pattison's view of the subject. Neither are we prepared to go with him in the peremptory sentence he has pronounced upon the collateral case of Mr. Cecil Smith, which the Court have never hitherto had the adequate means of considering, because a material document relating to it has been lost in the missing ships, and has not yet been supplied. The removal, however, from one department to another, which Mr. Pattison censures, is common in the service, and, for very sound reasons, ought to continue so. The charge against Mr. Sherson was of the most serious nature, and several weighty articles in it appear to remain unanswered. Sir G. Barlow is accused not, as far as we can perceive, of having punished a person positively and clearly innocent, but of proceeding harshly and severely, contrary to the

the rules of the service, against a person whose guilt was not established, but was still under examination by a suit in the Supreme Court. This is Mr. Petrie's view of the case, and according to him, the ground of the unpopularity incurred on this account by Sir G. Barlow with the Madras service. Now, if we understand the matter aright, the question referred to the Supreme Court respecting Mr. Sherson is, whether *he is liable to the Company, for the money embezzled* in the Grain Department? His conduct as Superintendant of that Department, is a distinct question which it belongs to the Company and their Government to decide upon. This affair did not originate with Sir G. Barlow. He found, on his arrival, a Committee sitting to investigate it. That Committee, composed of Madras servants, declared Mr. Sherson guilty. Messrs. Oakes and Casamajor, old Madras servants, composing the majority of the Counsellors, also concurred in that decision. Sir G. Barlow, equally unconnected with all the parties, could apparently have no motive except the assertion of public principle and the performance of public duty. But whilst, at the best, the cause could only be considered as doubtful, the Madras servants have loaded Sir G. Barlow with more odium than ought to have attached to him, if it had indeed been proved that the Committee and the majority of the Counsellors as well as himself had erred in their judgment. This has been signally made the cause of party and faction, and the subject of inflammatory invectives against Sir G. Barlow, of whose tyranny and injustice Mr. Sherson has been held up as the victim. But *we* in this country ought not to adopt the violent language and feelings of party, even if we had decided that the Madras Government had formed an inaccurate judgment on the case: still less ought we to do so now, when the decision of the Court of Directors may yet be, that they have acted as the justice of the case and their duty demanded. And if it should indeed appear, that such has been the conduct of the Government, what would the act of the authorities at home be but a kind of *felo de se*, if they were to join in the reprobation of that conduct? Yet such in effect is the spirit and the language of the Dissents now before us—"arbitrary and oppressive measures, from their
" violence

* Mr. Elphinstone's Dissent, 25 April 1810.

+ Dissent by Sir F. Baring and Sir H. Inglis.

“ violence universally disapproved *”—“ harsh unconciliatory measures—ignorance of the habits and manners of Madras — the servants are and must be disgusted.”† These expressions, and many more of the same tenour in the Dissents, which are quite in unison with the general current of the party accusations transmitted from Madras, (and not the less party accusations because adopted by great numbers,) derive their origin very much from this affair of Mr. Sherson's. But if the Government, honestly solicitous for purity in the exercise of public trusts, should adopt an erroneous proceeding in any case — (a supposition the suggestion of which obliges us to add that it is by no means our intention to imply they did act erroneously in the present instance)—the Court of Directors, were they to join with discontented parties in decrying and reproaching that Government, would, in fact, strike a blow at their own authority.

Proceedings in relation to the Carnatic Debts became the source of violent opposition to the Government.

As Sir George Barlow did not seek this affair of Mr. Sherson's, so, in the next business that occasioned and increased popular ferment, it is evident from the Records, that he was called on to act either by circumstances which originated in the time of the preceding Government, or by public requisition, with which he thought it his duty to comply. We speak of the proceedings relative to the Carnatic debts. The Arcot Durbar was, for at least forty years, a source of corruption and faction in the Presidency of Madras. The baneful influence of its system has continued after the extinction of its power and the transfer of its territory. In disobedience of all the orders of the Company, Europeans became to an immense amount creditors of the Nabobs of Arcot. The liquidation of the bonds granted by those Nabobs occasioned, during their lives, repeated agitations in the Settlement of Madras. Since their decease, new and more violent feuds have sprung from the same source. Their real remaining debts were estimated to exceed the enormous sum of four millions sterling, part, no doubt, incurred for money borrowed, and fair services received. The Company, having acquired the territory, entered some years ago into an agreement with the creditors, for the liquidation

tion of their claims. Commissioners were, in consequence, appointed to act in India and in England for the examination of them. Those in India were to sit at Madras. The Government of that Presidency were desired to afford them all due assistance ; but, to exclude local influences, they were to be selected from the Bengal service. The reputation of the three gentlemen so chosen, for ability and integrity, has remained unimpaired amidst all the storms of faction. When they entered on their office about the month of April 1808, Madras swarmed with forged Nabob's bonds, which seemed exceedingly to have increased from the time it was known that a plan of liquidation was on foot. The claims given in to the Commissioners have amounted in all to 29 millions sterling !

From some questions respecting forgeries, vehement disputes and animosities arose at Madras, and a numerous, active party, was hence formed against the Government. Government, upon the advice of a Committee appointed to enquire into the nature and extent of the forgeries of Nabob's bonds, had, in order to check that practice, directed the Company's law officers to institute a prosecution against Paupiah Braminy, an intriguing native, of recorded infamy, for forging a bond of 46,000 pagodas. This man, on the other hand, accused Reddy Row, a native Officer of character, confidentially employed by the Commissioners for investigating the debts, of the same crime of forgery. The Commissioners before whom this accusation came, carefully examined into the charge ; pronounced Reddy Row innocent, and advised the prosecution of the witnesses in the cause for perjury, by the law officers of the Company ; to which Government assented. Paupiah, however, found means to anticipate these measures, by prosecuting Reddy Row for forgery in the Supreme Court ; and he was abetted by several European creditors of the Nabob. The disputes and litigations that grew out of these circumstances went to great length. For a very brief sketch of the leading facts, as connected with our main subject, but still too long to be inserted here, we beg leave to refer to the annexed paper.*

Brief Review of the Proceedings relative to the Carnatic Debts, in an Appendix.

* Vide App.

The

Observations on the conduct of Government relative to those Proceedings which created opposition in the Civil community.

† Mr. Petrie's Minute.

‡ Dissent.

The conduct which the Fort St. George Government was led to adopt in the course of these proceedings, seems to have been dictated solely by a desire to support the cause of public principle and public good, the just authority of the Commissioners for the Carnatic Debts, and of the Government itself. We are not aware that the support given to the Commissioners, which Mr. Petrie † calls *unlimited*, was carried beyond the point to which, under existing circumstances, it might fairly have been asked and given. Mr. Petrie has not explained, nor do we see what was *unconstitutional* in the measures adopted by Government for the defence of two persons whom they deemed innocent and oppressed; and that those measures were intended to “influence the juries,” or to do any thing more than to bring forth truth, whatever might have been said of their “tendency,” there is not the least evidence: that they had no such effect is plain from the event. “Of the severe punishment which,” Mr. Petrie says in his *Statement*, “was inflicted on those who concurred in the verdict against the two men,” punishment which Mr. Pattison ‡ also inveighs against under the terms of “shameful vindictiveness,” neither of these gentlemen has given any proof or particular; nor is any mention made of such a circumstance in Mr. Petrie's *Minute*, which Sir George Barlow had an opportunity of seeing. All we have heard, is, that whilst some persons who served as jurymen were advanced to stations of respectability and advantage, two were, for general impropriety of conduct, removed to stations distant from the Presidency. These facts do not warrant the charge of Mr. Petrie and Mr. Pattison; and we must therefore be allowed to suspend our assent to what appears to us very improbable until it is substantiated.

It is most true, that the interference of Government in these affairs proved very unfortunate to themselves, and to those whom they thought it a duty to support; but that does not at all decide it to have been culpable. Many of those who condemned it, and particularly the leading persons among the Carnatic Creditors, had a direct private interest; and it is not unreasonable to suppose they might have felt the influence of a principle

principle so operative. It has not been insinuated that Sir George Barlow had any private interest, unless to avoid the painful task of conflicting with that of others. To this conflict his sense of duty led him, and, as it proved, at the expence of much of the peace and popularity of his Government.

The opposition of part of the Civil community of Fort St. George, and the prejudices of others against the Government, were, in the course of those judicial trials, carried to a still greater height, and coalesced with the insubordination of the Army, and the factious conduct of General Macdowall, who is known to have been present in the Hall of the Supreme Court at the most popular harangues delivered there, and on the motion of persons in open opposition to Government, was complimented with an address and a service of plate. It is indeed said in some of the Dissents,* and by Mr. Petrie, that in these marks of attention to him, persons of different parties concurred, and that they were paid only on the score of his private and social qualities. But the names which appear to the address, with the exception of two or three military men, who may have had personal obligation or attachment, are clearly of the description just mentioned; and the address itself professes respect to him on account of his *uniform public and private conduct*.

* Of Sir F. Baring and Sir H. Inglis, and Mr. Elphinstone.

The occurrences which come next in order are the Farewell Address of General Macdowall to the Army, and his last General Order censuring Lieutenant Colonel Munro. In the former, *he appeals to the Army against the Court of Directors*, because they had not appointed the Commander in Chief to a seat in Council. Mr. Elphinstone says, he finds no cause to quarrel with the word "Representative" here.† In the Court's Dispatch, however, to Fort St. George,‡ the objectionable nature of the term "Representative" has been distinctly shown; but the seditious tenour of the address is surely cause enough of "quarrel." General Macdowall's Order conveys to the Army a marked and gross insult to the Government, whom it was his duty and theirs to support. The character of these papers is so flagrantly seditious, that though their strongest features have

General Macdowall's Farewell Address to the Army, and his General Order, censuring Lt. Col. Munro for appealing to the Government.

† Dissent, 15th October 1809.

‡ ———, 15th September 1809.

Mr. Petrie's Observations on the conduct Government ought to have pursued on that occasion; with Remarks in answer.

* Statement, p. 14.

† Statement, p. 14.

‡ Statement. pp. 14—15.

§ Statement, pp. 14—15.

been by many left too much out of view, we shall forbear, as thinking it unnecessary, to insist on this topic. The question we have to consider is, what was the course Government ought to have pursued after coming to the knowledge of the General Order? Mr. Petrie states the question to have been—"shall we proceed on principles of severity and coercion, or on those of dignified firmness, moderation and expediency?"* We confess we do not collect any definite meaning from these generalities. The immediate question was not about severity or moderation, (as to the application of which terms there might be great diversity of opinion,) but about what, under existing circumstances, propriety and duty required on the part of Government. Mr. Petrie has, in entering upon this subject, observed, "that Government had to consider, not the extent of their power to punish General Macdowall, but to adopt such measures as were best calculated to counteract the effects we apprehended, and to prevent injury to the public interests." He thinks, "any personal severity towards General Macdowall ought to have been cautiously avoided, as what would most certainly increase the agitation in the military mind, and that while the supreme authority of Government was vindicated by the publication of an appropriate General Order to the Army, the General should have been allowed to leave India without any further marks of displeasure." He censures the measures adopted in respect to General Macdowall, "as lowering the respectability of Government:"—"exposing its Councils to the imputation of weakness, undisguised resentments, and an useless unavailing degree of rigour:"†—a view, however, which seems to be contradicted in another place, where he says, "it was observed, that the removal of General Macdowall sufficiently vindicated the authority of Government, and exhibited to the Army a memorable proof that the supreme power is vested in the Civil authority."‡ But he goes on in the place first quoted, to say, that if the Commander in Chief had been allowed to depart without "these useless manifestations of resentment, he and the Order would have been forgotten in the course of a few weeks."§ Mr. Elphinstone, after strongly expressing the same sentiments of the proceedings

proceedings of Government, says, that "General Gowdie should
 " have been directed to explain to the Army the impropriety of
 " the Order and the displeasure of Government ; and that if a
 " moderate course of this sort had been pursued, he has no
 " doubt the General and his discontent would have sunk into
 " oblivion in a very few days *."

* Dissent, 19th
 Oct. 1809, which
 was six months
 before Mr. Petrie's
 Statement appear-
 ed in London.

These strictures, of which the import seems to be adopted into the Dissents, bring immediately into view the question of *Conciliation*. They are to be found (as we have had occasion to remark with respect to other passages) in Mr. Petrie's Statement, (pp. 14 and 15.) which Sir G. Barlow never, as we are led to suppose, and must again observe, had an opportunity of perusing. In Mr. Petrie's Minute, taken from that *Statement* and laid before the Board, there is not the least appearance of the insinuation which seems to be intended here; that the indulgence of resentment against General Macdowall, or a " vindictive childishness," as Mr. Elphinstone has expressed it, was a leading object with the Government. If Mr. Petrie thought so, it was his duty to have pointed it out on the Records. He forbore to do this publicly, even when freely charging Sir G. Barlow with other things, but he conveys it in a Statement, of which the party impeached has no knowledge. It is saying less than the occasion might warrant to observe, that as such private unsupported insinuations are in their nature no evidence, so they ought, in every view, to be peremptorily rejected. Respecting the measures adopted by Government against General Macdowall, it is not to be wondered at, that the adherents of that Officer should put a very invidious construction upon them ; but as such persons were generally the adversaries of Government, it was less to be expected that its " exposing its Counsels to the imputation of weakness " should be a subject of their animadversion. The mere opinions, assertions or insinuations of opponents of any description, proceeding too from private or anonymous sources, are certainly no evidence ; and the recorded declarations of Government may be taken as a full counterbalance to them. The Government repeatedly declare, that they have acted from deliberate conviction,

tion, upon public principles of duty and policy : and one quotation from their Letter, written after all the commotions of the Army were subdued, may serve for their own account of their motives, both in respect to the transactions already reviewed, and those yet to be noticed. " We have therefore," say they, " through the whole of these disturbances, been " influenced by an earnest solicitude to suppress a course of " proceedings so pregnant with disastrous consequences ; and " we conceived that this important object would be accom- " plished by a firm but temperate maintenance of our authority, " by pursuing measures equally remote, on the one hand, from " increasing the spirit of insubordination in the Army, by an " appearance of weakness on the part of Government ; and, " on the other, from exciting discontent by undue severity *."

* General Letter
from Fort St.
George, 10th Sept.
1810.

Government, that is to say, the majority of the Board, profess to have that object in view, which Mr. Petrie says was the proper one : " the prevention of injury to the public interest." He has nowhere attempted to prove they had not this object ; but they certainly differed with him as to the mode in which it should be pursued, and they differed with him also as to the state of the Army at that moment, upon which their reasoning must have, in a material degree, proceeded. Mr. Petrie says, " the discontents of the Army *were in their infancy*." Distant they probably were from purposes of actual rebellion ; but they were not in their *infancy* either as to age or stature. He himself, at the opening of his Statement, gives it to be understood that they were " *considerable*." The mass of evidence produced and referred to in this Paper, has abundantly shown that a spirit of insubordination had been long and deeply rooted, and was advanced to a great height ; and Mr. Petrie has said, in another place, that to suspend Colonel Capper and Major Boles was to add fuel to " *the flame which was ready to burst forth in every " division of the Army*." Now the removal of General Macdowall and suspension of Major Boles happened on the same day, and Colonel Capper's on the following one. It could not, therefore, have been the removal of General Macdowall, yet unknown, which raised this flame. Mr. Petrie entirely over-looks

looks the whole series of General Macdowall's offensive and criminal proceedings, and speaks of his General Order in terms which are surprising. It was, he says, "*intemperate*," (in another place "*disrespectful*") and "the publication of it *might and probably had a tendency to increase the discontents.*" How different is the language of a conspicuous Military character, Colonel Malcolm, certainly not wanting in attachment to the Army. "General Macdowall," says he, "set an example of that contumely and insubordination which it is his particular duty to repress. There is no calculating the mischief of such proceedings. It is waving a torch over a magazine†." Nothing can be more evident, than that the General Order was a most seditious paper, thrown into the midst of an Army prepared by the Commander in Chief to catch the flame it was calculated to kindle. This was not a measure to which he was "*pushed*," and as to which he gave any room for conciliation. He prepared for it in silence, and placed the Government on the defensive. It was a deliberate studied insult to the Government: it taught the Army to consider that power, to which they owed obedience, as the violator of their "Rights:" it was calculated to degrade the Government in the public estimation, in the eye of the Army, and in the eye of all India. It co-operated to this end with the acts and views of those in the Civil community, who had openly arraigned the conduct of Government, and with the spirit of hostility to the same power which had, on a variety of occasions, but more particularly during the administration of Lord William Bentinck, even shown itself in the Courts of Law. There seems to have been a very general concurrence to break through those fences with which the constitution of all countries has invested the supreme power, reverence, respect, and subordination; and a contemptuous insolent spirit was, at that very time, risen to a great height. As a Government that suffers itself to be despised cannot duly perform the important functions assigned to it, the business and the duty of the Madras Government, at this moment, was to repress encroachment and faction, and to maintain order and authority unimpaired. The alternative before them was, whether to do this or to submit to degradation.

† Lord Minto's Letter, 5th Feb. 1810, para. 28.

degradation. Notwithstanding all the circumstances that have been stated, Mr. Petrie thought it would have been sufficient, in order “*to vindicate the supreme authority of Government*, that “*an appropriate General Order* should be published to the Army.” By an *appropriate General Order* it would seem, that he means an order asserting the authority of Government to do that which General Macdowall’s Order had presumed to censure as illegal; that is to say, to pass over the studied intended public insult: an insult respecting a matter, in which the Officers must have had a common feeling with their Commander; and to lay before the same body, whom he had made a tribunal of appeal respecting Army “Rights,” the Rights of the Government. In our apprehension, this would have been a most weak, insufficient and ruinous proceeding: it would have been avowing to the Army—“we see ourselves grossly insulted, but “we have not resolution to punish the offence:” it would have exposed the Government to the derision of all the malcontents, and held out the prospect of impunity to further insults. To have passed such an Order, through the new Commander in Chief, according to Mr. Elphinstone’s idea, would have still more degraded the Government, and placed General Gowdie at once in a state of unpopularity with the Army. These Gentlemen argue as if General Macdowall’s act had been an hasty insulated thing, which interested nobody but himself; and, if let alone, would have died out of memory in a very short time. The Government considered it, however, as a daring advance upon many preceding aggressions, in which numbers sympathized; and in this light we also view it. The whole tenour of Mr. Petrie’s “Statement” and reasoning leaves it to be inferred, that the character and honour of the Government were out of his consideration, and that he had also lost sight of the duty and necessity of maintaining the rights and authority of Government unimpaired; or took it for granted, that this was to be done by a non-resisting kind of management, by yielding, temporizing, and we presume, conciliation. The example of preceding times, however, leads to a different conclusion. With the impunity which former instances of disrespect and violence have experienced, may be connected the recent

recent evils ; and Mr. Petrie's short Government of three months could not afford a test of his opinion on this head. But to suppose that the spirit of faction and encroachment is to be allayed by passiveness in a Government, is also contrary to reason and to human nature, by the knowledge of which Mr. Petrie represents himself to have been influenced. In fact, the expedients to which he would have trusted, are the expedients of weakness ; and when weakness is evinced nothing can be maintained, nor can any thing yielded have the grace of bounty or prevent further demands. Mr. Petrie's system might have warded off, for a time, an open conflict between authority and usurpation, but must have ended at last either in the establishment of a military despotism, or a contest for the maintenance of legitimate Government. Adventitious events were fully as likely to strengthen military pretensions as to weaken them ; and it must be a miserable state of Government, which would remain depending on contingencies, while a mass existed of discontent and disaffection, ready to break out at the time most favourable for them.

In our opinion, therefore, the Government would have acted most weakly and unwisely, had it not asserted its legitimate authority. There was no room for compromise, and its conduct stands upon the solid basis of adequate facts and unquestionable principles. Could it even have been foreseen that the punishment of General Macdowall would drive the army into open resistance, the Government would not have been justified in passively submitting to its own degradation. But in this, as in every other measure adopted by Government, it ought to be judged according to the circumstances existing at the time, and not by subsequent events which could not then have been reasonably apprehended.

The review of this affair has served to develop the grand principle upon which the Government professes to have acted throughout the whole of the disputes with the Army ; a principle which we certainly hold to be sound and indispensable, namely, that the legitimate constitutional authority of Government

Grand principle on which the Government acted in the disputes with the Army.

*Suspension of
Col. Capper and
Major Boles.*

*The account given of their conduct in Mr.
Petrie's Statement, and in the Dissents.*

* Note.—
See Sir G.
Barlow's
Minute,
which says
the same
thing as to
the suspen-
sions of 1st
May, to
which Mr.
Petrie, in
his Minute,
replies—If
the Presi-
dent means
to say, that
I recorded
no Dissent
to the sus-
pension of
Major
Boles, and
the many
others, on
the 1st

May, he is cor-
rect; "but if the
"intention is to
"infer from this,
"that I concurred
"in those mea-
"sures, or ex-
"pressed no dis-
"approbation of
"them, I must
"positively deny
"the fairness of
"the inference.
"In various con-
"versations (with
"the President) I
"stated clearly
"my opinion of
"the impolicy,
"&c. of the mea-
"sures we were
"pursuing." This
is no distinct deni-
al of Sir G. Bar-
low's assertion,
which is positive-
ly that Mr. Petrie
did not oppose in
Council. Sir G.
Barlow's argument
requires this to be
understood gene-
rally; and he had
no occasion to tell
his superiors, for
whose information
he wrote, that Mr.
Petrie had not dis-
sented in writing.
The Records would
show, that Mr.

ment must, for the sake of the public good, be with temperate firmness of mind maintained entire against insubordination, insult, and encroachment. It will, therefore, be less necessary for us to dwell particularly upon it in considering the subsequent transactions.

The next of these is the suspension of Colonel Capper and Major Boles. It is to be observed, that Mr. Petrie did not oppose this measure in Council*, and in his Minute delivered into the Board, there is no separate specific discussion of it; but in his *Statement*, (pp. 19—23) prepared before the Minute, and since published in this Country, he expatiates upon it in terms of severe censure. To this "fatal" act he ascribes "effects of incalculable magnitude on the security of our "power in India," and says, it "has called forth feelings and "passions in the military mind, which have shaken the autho- "rity of Government to its centre, disorganized and convulsed "the Army, brought our most valuable interests into imminent "danger, and, he fears, insuperable difficulties." These gen- tlemen, (Colonel Capper, suspended the 1st February, and Major Boles), were, according to him, "*mere instruments of "office.* They transmitted General Macdowall's Order in the "*usual ordinary* forms: the illegality of the Order which was "assumed could not certainly be known to them; and a per- "nicious example of insubordination, a precedent of incalcu- "lable mischief, was introduced."

The sentiments of Mr. Elphinstone on this subject very much coincide with those of Mr. Petrie. He says, "the suspension "of Officers without a trial (of which, however, Mr. Petrie "admits the legality), could not fail to alarm the whole Army, "who thus find themselves dependent on the will of a single "*individual*" (meaning the Governor; the Counsellors being considered

Petrie's answer is not, "I did in Council oppose the suspension of Major Boles, &c.;" but "I did in various "conversations state clearly my opinion of the impolicy of these measures." Besides, General Macdowall's order, censuring Colonel Munro, became known to Government on the 30th January; and their orders for his dismissal, and the suspension of Major Boles, were published on 31st, therefore antecedent to these measures, it would seem there could be little room for private conversation, which, however, is not the point in question: but Mr. Petrie says, in his *Statement*, "It was my duty to state my opinion to Sir G. "Barlow, and to use every argument which my reason suggested to prevent the publication of the Order: In "this I completely failed." This account is certainly considerably different from the one given in the Minute. —Printed Statement, p. 22; and Minute, same publication, p. 26.

considered by Mr. Elphinstone as ciphers), and in the same paper he frankly shows that *he points to the removal of Sir G. Barlow, and the conferring both of the Madras Government and command of the Army upon a General Officer.*

Mr. Bannerman considers the suspension as *illegal*, *Mr. Pattison* as *unjust*. All these gentlemen censure the Government in terms like those already quoted, for want of temper or judgment: and the two former distinctly ascribe to this measure the whole or a great part of the evils that followed.

Declamatory assertion is not the proper matter for argument. Though *Mr. Petrie*, whom gentlemen seem to follow, ascribes in passages just cited almost every thing to the suspension of those two Officers, he soon after makes the admission above noticed, that *before* their suspension "the flame was ready to burst forth in every division of the Army."

The merits of this question, on which the Court has long ago passed a judgment, are, we think, fairly stated in Lord Minto's letter of the 5th February 1810: and our opinion coincides with the view therein given, both of its justice and its policy; on which last point, in particular, as we have not expressed ourselves concerning it elsewhere, we desire to be understood as holding the sentiments his Lordship has delivered.

*The merits of
the question.*

The main point of inquiry is, whether these Officers acted in an insubordinate, factious spirit, well knowing that General Macdowall's publication was calculated to insult the Government and inflame the Army, and cordially co-operating to those ends? Accumulated facts leave no room to doubt that they were the willing, zealous instruments of General Macdowall in his criminal proceeding, and that, without their co-operation, without their transgression of the rules of their office, his purpose would have been frustrated. It is in vain, therefore, that *Mr. Petrie* and others plead for these Officers, the implicit obedience due to the command of a superior, and their *merely* trans-

mitting,

mitting, in the *usual* way, an order which they did not know to be illegal, and saw no right to question. The legal part of this case, is, in our opinion, settled in the letter from the Supreme Government to Fort St. George, of the 27th May 1809, which completely answers Mr. Petrie's reasonings. The cloak of official duty cannot be allowed to cover faction and sedition. Supposing a man desirous conscientiously to perform his duty as Deputy Adjutant General, and to be at the same time equally conscientious to maintain the respect due to Government, and to preserve the subordination of the Army; suppose even such a man to have a persuasion, (hardly indeed to be conceived in this case), that the principle of military obedience might require him to publish a General Order, so plainly insulting and inflammatory, would he, on its coming to him from a Commander no longer within reach of appeal, instead of carrying it in the first instance to Government, *as the rule*, (besides the circumstances of the case), *demand*ed of him, purposely withhold that communication, not wait for the ordinary means of transmission, but use extraordinary means and extraordinary dispatch to circulate it to the different divisions of the Army, before Government could come to the knowledge of it? It is not conceivable that he would. But that Major Boles acted in this way is proved by the various documents * noted in the margin, to which we beg leave to refer. That, though the Government were willing, in the spirit of conciliation, to overlook his misconduct on receiving any acknowledgment of it, Major Boles refused such acknowledgment, and gloried in what he had done, is also proved: and the subsequent Address of the Officers to him is conclusive evidence that they regarded him as a meritorious sufferer for their cause. We, therefore, consider him to have been an intentional confederate with General Macdowall, in stirring up sedition in the Army, to have been a grand link in the chain of causes which produced the rebellion, and with some others who promoted the seditious writings which more immediately led to the actual revolt, to be pre-eminent in the guilt of that lamentable and disgraceful period.

* Military Letter from Fort St. George, 28 February 1809. Governor General in Council to Do. 27 May 1809. Lord Minto to the Secret Committee, 5 Feb. 1810.

The conduct of It is true that the suspension of those two Staff Officers appears

appears to have further inflamed the Army, and precipitated their advances in the course of insubordination and opposition ; but where did the blame lie ? If, as we think we have already proved, it was the duty of Government to preserve itself from degradation and insult, could they, after having most justly inflicted punishment on General Macdowall, who was no longer on the scene, overlook in silence the confederates in his crime still present, and thus leave it to be understood, that they were resolute only against the absent ? It was impossible, without yielding to that seditious contumacy which had brought the question to a trial, whether military intemperance and insubordination should prevail against legitimate authority. They were here again shut out from any fair means of conciliation, and reduced to one alternative. Upon the sound principles of government and of policy on which Sir G. Barlow and his coadjutors acted, they were necessitated to resist the openly factious and persevering contempt of Major Boles. We have no hesitation in affirming, contrary to the supposition of Mr. Petrie,* that, if the Government had pursued another course, its authority *would* have been weakened, and consequences produced fatally injurious to discipline and subordination. But Mr. Petrie's mode of arguing in this case, by supposing that to overlook misconduct would not have been attended with certain specified evils, and, in the case of General Macdowall, that his dismissal did not produce certain specified advantages, seems to us nugatory, and evasive of the essential considerations in question. Supposing that General Macdowall's dismissal " did not intimidate nor convince, did not improve the subordination of the Army, nor strengthen the bonds of obedience," &c.† the measure was nevertheless a measure of duty agreeable to the principles of good government : sedition is not to be cured by leaving it to itself, or by yielding to it. The issue only proves that the disorder was inveterate and progressive, needing stronger remedies. And we must here protest against that principle on which many now argue, and which lies at the foundation of all the Dissents before us, that is, to charge to the Government the consequences which have followed from its maintenance of its lawful authority against military insubordi-

the Government in respect to Col. Capper and Major Boles, considered.

* Statement, p. 20.

† Mr. Petrie's printed Minute, p. 30.

nation and arrogance. According to this preposterous and pernicious doctrine, the more audaciously a military body advances in the paths of disobedience and opposition, the more culpable is the Government in resisting them. And such, in truth, is the import of Mr. Petrie's reasoning.

Obliged as we are by a sense of duty to deliver these opinions, we cannot continue our subject without deploring the astonishing excesses to which the Military proceeded. It was in an evil hour indeed, (to use Mr. Petrie's expression) that they first listened to the poisoned discourses of General Macdowall, and the criminal suggestions of those connexions of his, who, after his departure, by combinations and writings, carried on the infatuated work of sedition which he had begun.

Had it even been indisputable that the Government were wrong in their conduct towards Colonel Capper and Major Boles, it did not belong to the Army to enter into cabals, combinations, and remonstrances against that proceeding. They should have left it to those Officers, individually to apply to their superiors, and have patiently referred to their decision. But "from this period," says Mr. Petrie, "to the publication of the Order of the 1st May, including the space of near three months, every day produced some new manifestation of their feeling, communicated in letters, addresses, appeals, and manifestoes. Their writings breathed a spirit of insubordination and resistance, which could only be tolerated on grounds of expediency, policy, or necessity."*

* Printed Statement, p. 22.

Seditious Address of the Officers, to Major Boles.

Among those writings was an Address from the Officers of the Madras Army, to Major Boles, publicly and strongly condemning the conduct of the Government towards him; settling a provision for him to the full amount of the pay and Staff allowances of which he had been deprived; making, moreover, his cause their own, and undertaking for similar mutual support to be given and received by all Officers, who might suffer through any such exceptionable measures on the part of the Civil Government.

Another

Another Paper, still more remarkable, was a Memorial, or more properly, a threatening remonstrance to Lord Minto, from the Officers, in which all their claims, and those of General Macdowall, are repeated; the conduct of the Court of Directors and the Government is censured: the pretension to a seat in Council for the "Representative of the Army," and to an independent Military authority, is advanced; and the Governor General in Council is required, in order to save "the extreme crisis of their agitation," to remove the Governor placed over them.*

Seditious Memorial to Lord Minto, prepared by the Officers.

The principles and views publicly advanced in these Papers, which were circulated for signatures in the principal divisions of the Army, have been, on former occasions, so fully considered, and are indeed so plain, that it must be quite unnecessary to dwell upon them. Military Officers combine to support each other against the Government which they are bound to obey; they form themselves into a deliberative body, to arraign and controul the proceedings of their superiors; arrogate Military rights, independent of what they term the Civil power, and, in the moment of professing loyalty to their Country, revolt against its laws, by requiring the removal of the Governor, placed over them by virtue of those laws, with a threat, that if this is not done, they will proceed to act for themselves.

* Note. — If the Government, in writing of the framers of this Paper, had used the term *conspirators*, as Mr. Pattison seems to say they did ("charging and condemning, (synonymous words with the Madras Government) the Officers therein named as conspirators to subvert the Government,") it does not seem that they could be accused of much inaccuracy.

Mr. Petrie, in his Statement, (page 25) treats the demand of removing of Sir G. Barlow, as a "wild, extravagant, foolish attempt, receiving no support from the general sentiments and approbation of the Army." However the attempt may deserve those epithets, it does not follow that it was not mischievous and highly seditious, had it even been proposed only, as he says, by "some divisions of the Army;" but its being comprehended in terms of menace in the Memorial generally circulated, gives a different view of it.

Mr. Petrie* also observes, "it was satisfactory to find, except in those *intemperate* and highly *disrespectful* productions, there was no apparent disposition shown to disobey or oppose

* Statement, p. 29.

" the

"the constituted authorities;" that is, we suppose, by open actual resistance to the orders of Government, (of which, however, one prohibited all combinations); but we really conceive, that when an Army had gone so far as to circulate seditious writings, in direct opposition to the Government, and in them, besides setting up many other claims, to demand, that in order "to prevent the extreme crisis of their agitation, their Government nor might be removed," they were well advanced towards open disobedience; and that it would have been unwise in the Government to have waited until they had actually arrived at that extreme. These circumstances, therefore, must be considered as very important additions to the "alarming symptoms" of an *organized determination to compel Government to grant a redress of grievances*," which, Mr. Petrie * says, had been "formed in most of the principal stations of the Army," before the 1st of May; though such a determination, doubtless, involved in its principles every other evil, supposing Government not to submit to their demands, which would have more certainly led to its final subjugation.

Mr. Petrie's account seems to import, that matters were come to extremity *before* the 1st of May. Government certainly thought that disaffection and sedition had spread so far, as to require immediate measures for their suppression. What hope remained on the side of Government, for rational or honourable conciliation, we cannot discover; but General Gowdie's circular letter, of the 5th March, to the Commanding Officers of Divisions, calling on them to suppress all improper addresses and memorials, and his other circular letter on the subject of the address to Major Boles, were intended to prevent the progress of sedition, and the necessity of interference on the part of Government. These strong calls from the Head of the Army had no material effect. The address to Major Boles was forced upon the notice of Government. It was an act of open sedition. The memorial to the Governor General, a still more desperate measure, had been more concealed; and the decided support which Lord Minto was found to give to the proceedings of the Madras Government, stopped the progress of it; but,

as

as that Government very justly reasoned, those Officers who had been most active in framing and circulating that dangerous paper, "which had not failed of its design from any want of boldness or malignity on their part, could not be considered as any longer fit to be intrusted with the command of men and arms, which they insinuated the intention of eventually turning against the State."

These principles led to the suspensions of the 1st May, which were confined to those Officers of superior rank, few in number, who appeared by evidence, in our judgment sufficiently conclusive, and of which, though Colonel Bannerman * has arraigned it, no part has, to our knowledge, been disproved, to have been most active in the formation and circulation of the Memorial. For the address to Major Boles, Captain Grant, who had ostentatiously proclaimed himself to Government a subscriber to it, was the only person who suffered suspension from the service. The incontrovertible grounds of these proceedings were explained in the General Order announcing them. The Memorial, it is there said, "is not more hostile to the authority of this Government than to the first principles of all government. It maintains opinions directly adverse to the Constitution of the British Service, and is calculated to destroy every foundation of discipline, obedience, and fidelity." And the address to Major Boles is justly said to be incompatible with the military character, and repugnant to the fundamental principle of military discipline and government."

Suspension of certain Officers, on the 1st May, 1809.

* Dissent of Col. Bannerman.

To these proceedings, the accusations so frequent in the Dissents,† of arbitrary and violent conduct in the Madras Government, probably in part refer; but they are particularly arraigned by Colonel Bannerman as "oppressive," and by Mr. Pattison as "unjust and impolitic;" as "setting fire to the match already prepared by preceding aggravations," &c. Surely, gentlemen who accumulate such terms of condemnation on this and other acts of the Madras Government, do not mean that the seditious proceedings which were assigned as the grounds of the

View given in the Dissents of this proceeding.

† Particularly those of Sir F. Baring and Sir H. Inglis, Mr. Elphinstone, Mr. Pattison, and Col. Bannerman.

the

the measure of the first of May were not realities, or that the Government should have taken no notice of them, but have passively suffered sedition to advance from one step to another? They have blamed the course pursued, but no one has intimated what was to be done in such an alarming conjuncture, excepting indeed to appeal to a Court Martial; to which point we shall presently speak. It is in vain to resort here to the word *conciliation*, unless concession (and concession at the very worst time) be really meant. It is sufficiently obvious that nothing else would have produced even a temporary calm.

It is stated, as a distinct ground of objection, by the two gentlemen just named, * that the Officers accused were punished without a trial, which, according to the constitution of the Army, they ought to have had before a Military Tribunal. To that proceeding, of which there will hereafter be occasion to take further notice, the same objection has been urged in other Dissents. We must own the necessity, and therefore the propriety, of the measure adopted by Government, appears to us very clear. The martial law seems to pre-suppose the great body of the Military, by whom it is to be administered, to be in a state of loyalty and subordination to Government, and prepared to punish the violation of those duties; but the Legislators could not mean, nor can the safety of any Government admit, that, if the military body in general are engaged in a course of measures hostile to the State, it is to be left to those so confederated to determine upon the guilt or innocence of each other. Common sense revolts at this idea, which would require an adherence to the form, at the sacrifice of the substance of justice. Whenever the Military body, which is formed only to serve and protect the state, shows unequivocal symptoms of a disposition to resist or controul it, the State must have a perfect right to remove that body from its service; and the same in respect to individuals, without even, in their case, resorting to a Court Martial; and still less is this resort to be expected when the offenders, from the generality of the offence, can hardly be referred to judges who may not be parties in the same guilt. This, we presume, is the practice in all countries; and

* Dissent by Col.
Bannerman.

Ditto by Mr.
Pattison.

The question
concerning the
trial of seditious
Officers by
Courts Martial.

if the propriety of it needed any illustration, we have only to look at a large body of the Madras Officers soon after, publicly demanding of Government that Lieutenant Colonel Innes, who had maintained his loyalty in the command of Masulipatam, and had been deposed by the revolted Officers of that garrison, should be brought to a Court Martial for his general conduct there. In circumstances such as these, in which the Madras Government and the Madras Army were placed, it is entirely probable that the demand for proof would have been unusually rigorous, the means of furnishing it, even in cases of certain delinquency, unusually difficult, and the delay great; so that a reference to Courts Martial in such a crisis of extraordinary agitation and resistance to Government, was, in the opinion of the Governor General, more likely to produce triumph than restraint to sedition; and the Madras Government felt itself reduced to the necessity of opposing its own power to that of the malcontents, or to expose to subversion that authority with which it had been entrusted.

Decided friends as we are to freedom of opinion justly exercised upon public subjects, we cannot on this principle help thinking, that, on such affairs as we are now discussing, affairs remote from the observation of persons here, considerable attention is due to the judgment of the Indian Governments. Sir G. Barlow had the strongest motives, personal as well as public, to deter him from entering needlessly or wantonly into those scenes of peril in which he has been an actor. He had a much greater stake depending, and much nearer opportunities of judging of persons and things than any of those who, in this country, sit in judgment on his conduct; and every authentic information, public and private, satisfies us that those who conceive him to be of a rash and violent temper, utterly mistake his character. Mr. Oakes, one of the Members of the Madras Council, is known to be a man of ability who thinks for himself, and Mr. Casamaijor has the reputation of an honourable man and a good servant of the Company. The unanimous judgment of the Bengal Government too, so near the scene of action, and having so deep an interest in it, is surely entitled to regard.

*Observations on
the proceedings
of Government
on the 1st May
1809.*

Construction given in one of the Dissents to the commendation bestowed by Lord Minto on Sir G. Barlow; and Observations thereon.

* Sir F. Baring and Sir H. Inglis.

regard. No responsibility can well be greater than Lord Minto's in respect to the measures that have been pursued by the Fort St. George Government. He has given them his cordial approbation, has defended them by his reasonings, and bestowed the highest commendations upon Sir G. Barlow. One of the Dissents * indeed takes the extraordinary liberty of advancing, "that Lord Minto's opinion as well as his conduct, in upholding, and applauding Sir G. Barlow, *must be considered as purely political*; as what, in his opinion, would produce the best possible effect on the mind of the Army." But Lord Minto, in all his letters to the Court of Directors and to the Secret Committee, in those written from Bengal as well as at Madras, all of them unknown to the Army, has expatiated, in still stronger terms, and with evident pleasure and cordiality, upon the merits of Sir G. Barlow, and has warmly recommended that those merits be distinguished by public honours and rewards. By such glosses as this, all facts and characters may be explained away. But if the authors of the Dissent think that the Governor General, "surrounded by a mutinous Army, acted wisely in holding up and applauding Sir G. Barlow, as what, in his opinion, would produce the best possible effect on the mind of the Army," may we not ask whether they think it also wise, whilst it is too well known the ferments in that Army have not yet subsided, and are likely to be excited again by auxiliary agitations in this country; whether they think it wise in Directors to take a quite contrary course, in written opinions intended to be made public, to vilify and degrade Sir G. Barlow and his measures? Will this likewise "have the best possible effect on the mind of the Army," or the tranquillity of the country?—The same Dissent represents Sir George Barlow himself as dealing in a way still more extraordinary with his own character, as having "broadly stated to the Madras Army," when in the height of rebellion, "that every measure" (meaning obviously every measure characterized in the Dissent as severe, oppressive, &c.) "he had adopted, from the first order respecting General Macdowall to the unhappy expedient of the 26th of July, *had directly and immediately been the cause of the increased discontents of the Army, their intemperate* remon-

"*remonstrances, and subsequent acts of violence.*" The scope of the able Paper * here alluded to is directly contrary to all this. It sets before the Officers the long series of their seditious proceedings, with a view still to bring them back to reason, loyalty, and obedience. It refers to various means used by Government in the way of counsel, admonition, warning, moderation, and forbearance under strong provocations, to lead them to a sense of their duty, and of the danger of the course they were pursuing. It expresses deep regret that these measures of moderation, these repeated and urgent appeals to the discipline, duty, national attachment, and professional honour of the Company's Officers proved ineffectual, that seditious Memorials still continued to be circulated, and sentiments of sedition to be openly declared in many parts of the Army; and then it goes on to state "that the further forbearance of Government would have encouraged the progress of these evils; that a course of explanation and exhortation had been pursued in vain, and it became imperiously necessary to check, by a salutary example of punishment, a spirit of insubordination that threatened the most dangerous consequences to the prosperity of the Empire." This example (of the 1st May) confined still to a small number of leading offenders, did not arrest the progress of sedition, which equally resisted measures of forbearance and punishment. A systematic course of aggression and insubordination, a determined spirit of revolt at length forced the Government to adopt decided measures for the support of its own authority; having only the alternative of pursuing this course, or being guilty of the most criminal dereliction of duty in confirming the evils of sedition and Mutiny, by submission to a body of men placed by law under its authority.

* General Order,
12th August 1809.

Such is the tenour of this paper, still intended to bring the Officers to reflection: but the Dissent would pervert the whole, and place to those measures of prevention, which the aggressions of the Officers forced Government to adopt in self-defence; measures entirely approved by the Supreme Government, and known to the Army to be so (though the Dissents in general quite overlook these material facts) it would place to them those

evils produced by the inveterate, persevering spirit of sedition and revolt. We hope to be pardoned in some repetition for the sake of illustrating this method of judging of the conduct of Sir G. Barlow. It extends to small things as well as to great. We are told by gentlemen who have not been within 12,000 miles of Sir G. Barlow during all these transactions, "that, "excepting in a very few favourites, in every look and every "gesture he perceives treason and rebellion."

† Dissent of Sir F. Baring and Sir H. Inglis.

Further Observations on the Government proceeding of the 1st May.

The preceding observations may serve at the same time to convey our sentiments of the measure of the 1st of May, to which stage of the history we now come. It appears to us that Government then met an evil which would have become greater by delay, and that they judged wisely in taking this resolution.

The Government might have been run down, and made contemptible and inefficient merely by the continued unpunished licentiousness of the disaffected. They would have rendered more easy the prevalence of military usurpation, the immediate consequence of which would have been the abrogation of all measures of retrenchment, probably the establishment of all the extravagant claims of the Army; and the restoration of a constitutional paramount authority to the Civil power would hence have become a work of great difficulty. It may therefore admit of doubt, whether the measure adopted on the 1st of May was not deferred too long, since, whilst Government was exercising forbearance, the spirit of sedition was becoming stronger. It evidently left no means of fair conciliation on the part of Government, which, on the contrary, states expressly, "that the "General Order of the 1st of May could not have been delayed "without hastening the arrival of an extreme crisis."

It seems to have retarded that crisis; but the Hyderabad Subsidiary Force, rejecting the compliment paid to their conduct in the General Order of the 1st May, circulated on the 18th of that month an address to the Army, declarative of their approbation of the seditious proceedings which had been adopted by the disaffected Officers, their condemnation of the acts of the Government,

Government, and their adherence to the measures of the rest of the Army. Colonel Bannerman * says, " the local effect of
 " this measure, the Order of the 1st of May, is distinctly
 " marked upon our records. The portion of the Army, highly
 " complimented in that Order for its allegiance and fidelity,
 " felt the ties of allegiance dissolved by this act of extreme
 " oppression, flew at once into rebellion, and instantly de-
 " manded its repeal."

*Other Objec-
 tions to it in
 the Dissents
 noticed.*

Having already, as we think, vindicated the act and the non-reference of the conduct of the accused Officers to a Court Martial, the only objection urged by Colonel Bannerman against it, we must be permitted to say, that the " local effect of the
 " measure" seems to us unhappily urged, as either proof or illustration of the measure having been wrong. It is another instance of that unjust mode of arguing against which we have before protested; charging upon Government, acting in defence of its own legitimate authority, the rebellious acts to which the Officers proceeded. Supposing even the Government to have gone beyond its proper powers on this occasion, was there not an appeal to the common superiors of the Government and the Army? Were the whole body of Officers warranted to combine upon this occasion to make themselves judges of the case; to judge the ties of allegiance, even of those who did not suffer, dissolved; to make war against the Government, and then to dictate the repeal of their act? We do not say that Colonel Bannerman means to approve of these proceedings; but we must be of opinion, that to introduce them in the solemn judgment of a person in authority, apparently for the purpose only of criminating the Government, and in language that may be thought even apologetical, without expressing any feeling of that abhorrence which their enormity ought to call forth, is liable to very strong objection. The same honourable Director has connected with this article a sweeping condemnation of the measures of Government, recited in their General Order of 12th August, which he terms " a series of acts of despotic oppression;"—" a systematic course of aggression, and of aggravated indignity:" retorting thus upon the Government the language

language used by it with respect to the Officers. Assertions of this criminating nature, utterly unsupported by proof, introduced long after the general subject had been considered, and applied to measures which all the Indian authorities abroad and at home have approved and sanctioned, appear to us of a most injurious tendency, and entitled to very serious disapprobation.

*Progress of the
Revolt.*

Government took no immediate step upon this proceeding of the Hydrabad Force. It had a powerful effect on the body of Officers; and the example was very generally followed. "Committees of Officers were established at all the military stations. They assumed the exercise of the highest power, and commenced an active correspondence with each other, for the purpose of forming and combining their plans of revolt." The ostensible objects of the disaffected Officers were a redress of alleged grievances (none of which had the appearance of foundation, unless the question concerning the distribution of places of emolument between King's and Company's Officers, which was in reference to the Court of Directors) the obtaining of Bengal allowances, the *dismissal of unpopular Officers* from their official situations, and the restoration of Officers who had been removed from stations, or suspended the service. The Government of Madras, however, say, "there is every reason to believe those projects were considered only as preliminary to the accomplishment of more extensive and dangerous views, particularly the subversion of the present Government." The Hydrabad Force, emboldened by impunity, on the 15th June transmitted an Address to the Government, with 186 signatures; in which, after stating the impending danger of a separation of the Military from the Civil Authority, and of the loss of the country; and *declaring that the whole Army is united in one cause*, they require that the Orders of the 1st May might be rescinded. They had first inserted in their paper an intimation that the scenes of Vellore might be re-acted with *increased effect*; but that intimation was afterwards omitted. This Paper of course became known to the whole Army.

On the 25th June the European Regiment at Masulipatam
mutinied,

mutinied, and Colonel Innes was put under arrest by Major Story, the leader of that revolt. The revolted Officers received from most of the stations of the Army applause, and promises of effectual support.

Lieutenant Colonel Malcolm, an Officer of known talents, and very popular with the Army, was sent to take the command of Masulipatam, in the hope that he might be able to induce that garrison to return to a sense of its duty. He was with difficulty admitted by the Officers, but found it impossible to restore them to obedience, or, as he thought, to avert the most dreadful calamities, unless all the obnoxious demands in which the Officers of the Army were combined and pledged to each other, were granted.

On the 5th of July the Force of Jaulnah prepared an Address to the Governor General of such an intemperate nature, that Colonel Montresor, their senior Officer in that quarter, declined to forward it.

On the 5th of July also, the Officers of the Hyderabad Force, in a body, refused to permit the march of a battalion which Government had ordered to proceed from that station to Goa, because, “ *having united among themselves, and with the whole Army, they deemed any attempt to divide them destructive of that Resolution; and that the assistance of that battalion might soon be necessary to them, and their attachment they were assured of.*” Orders issued on the 9th of July, for the march of three battalions from Travancore, and for the march of a detachment from Seringapatam to Bangalore, were also disobeyed.

On the 21st July, the Officers at Hyderabad presented what they called the *Ultimatum* to Government. They required the public repeal of the Order of the 1st of May; the restoration of every Officer who had been removed or suspended; the trial of Lieutenant Colonel Innes* for his general conduct at Masulipatam; the removal from office of the Officers of the General Staff;

* Note. — Who had adhered to the Government.

Staff; and a general Amnesty for the measures which the Officers of the Coast Army had adopted. On the 26th of July, a detachment ordered by Government to march from Seringapatam to Bangalore, refused to move. This might have been known at the Presidency about the 30th.

Conduct of the Government upon the rebellious proceedings of the Officers.

The open resistance or revolt of considerable portions of the Army—the combinations which united with them, in sentiments and views, other divisions of the Army—the failure of Colonel Malcolm's mission to Masulipatam—and the intelligence received from various quarters, reduced the Government to the alternative of either subduing the Officers by force, or making to them the concessions they demanded—"Concessions which," we concur with the Madras Government in thinking, "would have effectually confirmed the spirit of sedition, have established an ascendant power in the Army, uncontrollable by the Government—would have strengthened the presumption, contempt of authority, and confidence in their power, already too prevalent in the Army, have made that body independent of the law; and, if it had not actually caused the subversion of the Government, would have reduced it to a degree of weakness which would have led to the most fatal disorders." Was conciliation practicable here? It appears that Government still thought of it, but thought of it as out of their reach, in which we must agree with them. "Any attempt even," say they, "for the purpose of conciliation in the existing state of things, would have been productive of equally pernicious effects. To have endeavoured to conciliate when the conduct of the Army demanded signal punishment, would naturally have produced the conclusion, that our measures were dictated by a consciousness of our weakness, and would have borne the appearance of submission to the outrageous conduct and menacing language of the Army. These considerations derived force from the peculiar nature of the demands of the Army—the repeal of Orders for the punishment of Officers who had committed great offen-

* General Letter to Fort St. George, 10th Sept. 1809, para. 28.

ces,"* &c.

Matters

Matters could not remain in the state they were in, and the Government, having maturely deliberated on the whole of their situation and duty, resolved to avoid concession, being confident they could, by a due exertion of authority, maintain unimpaired the just rights and powers entrusted to them, and that this course “ would involve no consequences which were not infinitely less dangerous to the national interests than those which would have inevitably resulted from submission to the menaces of a revolted Army.” In our opinion the Government judged wisely, and displayed great firmness and vigour, under very trying circumstances, both in the resolution they adopted, and in the measures with which they followed it up. One of the first of these was to remove, as far as should be found practicable, disaffected Officers from command; to explain to the native troops the ground of this proceeding: and to impress upon them, at the same time, the paramount duty they owed to the Government. The particular precautions and directions given for carrying those Orders into effect, may be seen in the Fort St. George General Letter of the 10th September 1809. To accomplish these objects, the Officers commanding the principal Divisions of the Army were, on the 26th July, first instructed, after suitable explanations, to require from the European Officers under them, a declaration of fidelity to the Government, according to the tenour of their Commissions, and to remove from the immediate execution of duty those Officers who should decline such a declaration; their ordinary allowances being still continued to them. The commanding Officers were next enjoined to make the proper communications to the native Officers.

Declaration of obedience to Government, proposed to Officers on the 26 July.

In the circumstances in which the Fort St. George Government were placed, no measures could, in our opinion, be more natural, judicious, and unexceptionable than these, and no objections have surprised us more than those advanced against them. “ A Test,” says Colonel Bannerman †, “ pre-supposing disaffection and seditious combination, was consequently useless if the supposition was true,—a gross injury and insult, if unfounded, and productive of no consequence but the sub-

Objections stated in the Dissents to that measure, and answers.

† Dissent, Objection 5th.

“ version

“ version of discipline by the removal of the Officers from their
 “ men, and the further excitements in the native troops of agi-
 “ tations.” He adds (very truly), “ that the public Records
 “ do not contain the details which might be required to establish
 “ this objection ;” but says, “ the Government Gazette exhi-
 “ bits only 150 names as taking the Test, out of a body of
 “ 1,300 Officers ;” and then complains of the “ absence of
 “ public documents,” denouncing the Government “ for call-
 “ ing on the Court to decide on its garbled statements, and
 “ withholding the series of documents which would have led to
 “ opposite results and conclusions.” The same objection as
 to the number of signatures is made by Sir F. Baring and Sir
 H. Inglis † : they speak also of “ the unhappy expedient of the
 “ 26th July,” and say, “ the bond of union between the
 “ Officers and Sepoys has been too roughly treated for such
 “ delicate machinery.” Mr. Elphinstone § is afraid “ Sir G.
 “ Barlow has ruined and disorganised the Army”—he has
 shown the native troops, says that honourable gentleman,
 “ our weakness and their strength—has placed the European
 “ Officers in a disgraced situation before them,” &c. We shall
 briefly observe, in answer to these objections, that the propo-
 sal of a Test did not, as Colonel Bannerman assumes, suppose
 universal guilt or universal innocence, but a seditious combina-
 tion of many indiscriminated individuals ; and that as in such
 a case nothing can be more obviously just and proper than to
 distinguish the guilty from the innocent, so it cannot be an
 insult to any man to desire that he will do what is his duty, that
 is, to declare himself. Whilst the public documents were not
 arrived, Colonel Bannerman could not know that those sent
 home were “ garbled,” nor that the full series would have led
 to opposite conclusions. The documents in regular series are
 since come ; they lead to no opposite conclusions. Those first
 received prove not to have been “ garbled ;” the implied
 intention, therefore, to withhold the Records is found to
 have had no existence, and the delay to have been owing to
 other causes.

If the number of Officers who signed the Test or Declaration
 of

† Dissent of Sir F.
 Baring and Sir H.
 Inglis.

§ Dissent of 24th
 April, 1810.

of Obedience was comparatively small, (though we doubt the accuracy of that stated in the Dissents) of so much greater importance was the measure, since the speedy effect of it under the overawing presence of King's troops was to remove the disaffected Officers from all the centre and southern divisions of the Army; from the corps in the ceded districts; in Travancore, Malabar, Canara, and Bangalore: and the native troops at all those stations professed their loyalty and attachment. These effects were the main objects of the measure; and they disconcerted at once the counsels of the seditious Committees, and signally contributed to render the cause of legal authority triumphant. Nor could Officers reasonably complain of not being entrusted by Government with an authority they would not promise to use in its support. With respect to the native troops, if inconveniences arise from the appeal of Government to their loyalty, those inconveniences are wholly to be charged to the Officers who rendered it necessary for Government to make that appeal. No proposition can be more intolerable than that the Officers should, on any pretence whatever, be allowed to retain a power of deluding or seducing the men placed under their command, into rebellion against the Government that pays them, and to whom they owe allegiance. No evils apprehended from undeceiving the men could approach to this: and the example of the great Lord Clive, with whose judgment and experience it can be no disparagement to the objectors to say that their's are not to be compared, ought to be decisive on this point. In the mutiny of the European Officers in 1766, he not only informed the native troops of the true state of the case, but employed them in seizing and putting some of the Officers in confinement; and none of the evils predicted from the late milder proceeding followed. The measures of the 26th July were, in a word, calculated both to uphold the just authority of Government and to prevent the horrors of a civil war.

But it must be concluded they were among those which, Mr. Petrie says, in his *Minute*, he represented in conversation with Sir G. Barlow to be, in his opinion, "inapplicable, hazardous,

*Mr. Petrie's
Account of the
points in difference
between
him and Sir
George Barlow,
and examined.*

“and totally disproportioned to the object and to the magnitude of the emergency.” It may be proper, therefore, at this advanced stage of the transactions, to attend to the observations he has recorded. “I thought,” says he, “that, rather than conciliate the Army, we were endangering the security of our Indian Empire. To Sir G. Barlow it seems to have appeared that, almost under any circumstances, concession must be the greater evil; whereas to me it seemed a feather when placed in the scale against the revolt of the Army, a civil war, and the probable loss of the country.” “He (Sir G. Barlow) thought it better to risk an immense stake, an Empire, than rescind an Order. I wished to yield to form rather than endanger the substance.”

In the contrasted view here exhibited of the opinions of Sir G. Barlow and Mr. Petrie, we think there is a misrepresentation essentially unjust. It is evident from the whole current of the public documents from Fort St. George and Bengal, that Sir G. Barlow, the majority of his Council, and the Government General, did not mean to contend, nor did actually contend, for punctilios or forms, but for interests of the highest importance; that the question with them was not between “hazarding an Empire and *rescinding an Order*” or “yielding a form,” but between surrendering the lawful authority of the Civil Government and resisting military domination; that they did not maintain concession *under any circumstances* to be the greater evil, but *such concessions* as were required, *under the circumstances in which they were required*; and that the Government acted not as it did “*rather than conciliate*,” or in the belief that they were *hazarding the Indian Empire* by resistance, but because they saw no means of conciliation, except concessions which would have exposed that Empire to the greatest dangers.

We cannot allow to Mr. Petrie, that the refusal of concession or the probable loss of the country was the alternative Government had before them; and we think, moreover, that Mr. Petrie has taken for granted a proposition of immense importance, not
to

to be conceded without proof, of which an atom has not appeared—that, “in yielding” (what he calls) “the form, the substance would not have been endangered.” After clearing away these incumbrances, the plain question comes to be, whether, under a comprehensive view of all circumstances, resistance was to be chosen by the Government rather than concession? We have already given the reasons which have determined us to vote with all the Indian authorities in the affirmative.

The plan of this Paper does not require us to trace minutely the progress of the rebellion; and we are glad to be exempted from the afflicting details of open revolt in different corps in the Army; of the seizure of public treasure in various places; of one actual conflict in the field, to which the Company's Sepoys had been led by the deluding information of the Officers, to the sacrifice of many lives; of the unworthy arts used by the Officers to keep the Sepoys ignorant of the real state of things, to prevent the Proclamations addressed to them by Government from reaching them;—to persuade them that Government entertained designs against them;—and of the operations which the revolted Officers either attempted or seemed to have in view against the public authority. It is a more pleasing task to advert, though briefly, to the system of measures * by which a wise and energetic Government, unappalled by the most threatening dangers, crushed a widely extended rebellion before it could bring on the horrors of a civil war.

*Progress of
Rebellion—*

Fort St. George
General Letter, 10
Sept. 1809.

* Fort St. George
General Letter, 10
Sept. 1809.

The Orders of the 26th July, so much decried by some, had the effect of securing the services of all the native troops to the southward of the river Kistnah, with the exception of the garrison of Seringapatam. The King's troops, to their lasting honour, had been stedfastly loyal; and reinforcements had been obtained from Ceylon and Bombay, which considerably increased their numbers. The only troops in rebellion, which could oppose resistance in the field, were those at Hyderabad, Jaulnah, and in the northern division of the Army. For many reasons it had become important to reduce these troops at the earliest moment;

*And of the
measures oppos-
ed to it by Go-
vernment.*

moment ; and very able and powerful arrangements were made for this purpose. A public Proclamation, addressed to the native troops on the 3d of August, at length made an impression on the corps at the stations just mentioned, where the Sepoys had hitherto been kept in ignorance and delusion. The choice of Colonel Close, whose weight of character is so great among the Natives and Europeans, to command at Hydrabad, and his intrepid and masterly proceeding during the one day, (the 3d of August) in which the Officers allowed him to exercise his command, had a very material effect in opening the eyes of the Sepoys, to whom, at the head of the line, in the midst of appearances of hostility, he explained the real state of things, and their duty and interest to remain loyal to the Government. The consequence was that, in a few days after, the native troops at Hydrabad expressed to their Officers their determination to adhere to their allegiance to Government : and this occurrence, with the movement of a large force towards Hydrabad, and the declared determination of Government to maintain their authority, presented to the view of the Officers their desperate situations. Hence the resident at Hydrabad, in a Letter to the Governor's Military Secretary of the 6th August, states, that the Officers saw nothing but ruin from persevering in their criminal course, and that, in his opinion, a general amnesty would induce them to return to their allegiance.

In reply, the Resident was informed that there was no intention on the part of Government of listening to any terms but unconditional submission to authority ; and, on the 11th August, (probably before the answer to the Resident could have reached that place,) all the Officers of the subsidiary force at Hydrabad spontaneously signed the Declaration of the 26th July, and offered their unconditional submission. This example was followed by the forces at Masulipatam, Seringapatam, and Jaulnah, which completely terminated the revolt.

*Submission of
the revolted Of-
ficers.*

*Their submis-
sion*

It has been industriously asserted and propagated, that the submission of the Officers was entirely owing to the approach of Lord Minto to Madras.

Mr.

Mr. Petrie, in his Statement, (pp. 60—64) has laboured at great length to establish this point, and has taken much credit to himself for predicting the good consequences that would result even from the knowledge of Lord Minto's *intention* to repair to that Presidency. After setting forth the enormities committed by the revolted Officers, as so many evidences that the system pursued by Government was wrong, and to show that what he is pleased to call "*intimidation and coercion had completely failed, and that, by a perseverance in the same system, every reflecting mind trembled for our Empire in the East,*" he adds—"In this crisis, on this volcanic ground, the Army received the communication of Lord Minto's notification to the Army in Bengal, and of his intention of proceeding to Madras, with enthusiastic pleasure. Every measure of violence, which had been either adopted or contemplated, was immediately abandoned. The force at Hyderabad and the garrison at Masulipatam, who had been the first to resist the orders of Government, took the lead in returning to the allegiance of duty and obedience. Their submission was unconditional, but to the Governor General, and not to the Governor of Madras. Their example has been every where followed."

not owing to the approach of Lord Minto to Madras—

as Mr. Petrie
Mr. Petrie's
Statement, p. 46.

It is not to be wondered at, that gentlemen who adopt the views and representations of Mr. Petrie, should follow him in this instance. "We are distinctly of opinion," says Sir Francis Baring and Sir Hugh Inglis,* "that the sword of revolt was sheathed when the Governor General announced sentiments of moderation, justice, and lenity, and not less than 30,000 men who were then in opposition to Government, surrendered at discretion." This is a considerable improvement upon Mr. Petrie; for the *men*, probably in all not more than 12 or 15,000, were not "in opposition," but in the dark; and, when they discovered the truth, refused to oppose Government. "All Sir George Barlow's firmness," says Mr. Pattison, "could not have saved him, had not Lord Minto's approach led to a hope in the Army,"† &c. "The Officers," according to Mr. Elphinstone, "had shown unequivocal signs of a return to their

and the Dissents affirm.

* Dissent of Sir F. Baring and Sir H. Inglis.

† Dissent of Mr. Pattison.

“their duty, and a desire to submit their claims to the Governor General, who might be soon expected.” This is partly the language of Mr. Petrie’s Minute—“The Army had then manifested unequivocal proofs of returning subordination and obedience.” But let it be observed, that Mr. Petrie refers here not to Lord Minto’s approach, but to the time at which it was proposed to him (Mr. Petrie) to sign an Address to Sir George Barlow—(and here too it will afterwards appear that he was mistaken)—Mr. Petrie, in his Minute (laid before the Board) does not say one word of effects produced by Lord Minto’s approach, on which he so much enlarges in his *Statement*; a paper, which, as we are now about to take leave of it, we must declare to be, in our opinion, of a very mischievous tendency, but of which the publication is, we conceive, to be ascribed to his friends rather than to himself.

Nothing indeed could be more adverse to Mr. Petrie’s whole theory and conduct, respecting the commotions in the Madras Army, than the triumph of the system pursued by Sir G. Barlow. It is not unnatural, therefore, that he should be disposed to ascribe the successful result to another cause. But a recurrence to facts will show that they are at irreconcilable variance with his representation.

In the first place, the Letters of the Bengal Government of the 20th February and 27th May 1809, which were published to the Army of Fort St. George, and in a style admonitory, authoritative, and impressive, fully set forth Lord Minto’s sentiments of the insubordinate proceedings of the Officers; and the motives of duty and obedience which ought to regulate their conduct, had not the effect of stopping the progress of sedition among them: nor had his more pointed private communications to some of the suspended Officers,* which must probably have been made known to the Madras Army, any better success. Lord Minto’s General Order of the 20th July, announcing his intention of proceeding to Madras, is therefore the first document on the present subject to which Mr. Petrie and the authors of the Dissents can refer. This General Order was written when

* See his General Letter, 12 Oct. 1809, para. 40.

when Lord Minto had heard of no other act of open disobedience in the Madras Army than the deposition and imprisonment of Colonel Innes, commanding officer at Masulipatam; and it dwells particularly on that affair. It was not framed, therefore, with the knowledge of any subsequent events. It must have reached Masulipatam long prior to the 7th August, and its effect may be seen by an Address of that date from the Officers who usurped the command there. Conceiving that Lord Minto meant to hold forth conciliation to them upon their own terms, they considered his General Order as consoling; but they so little knew what became the situation of the Governor General or their own, that they inform him, the *violent, oppressive, treacherous* conduct of the Government of Fort St. George to their brother Officers has led *them* to take measures for *their own* security:—they accuse the Government of *seducing the attachment* of the *native troops* from their *European Officers*, which they denominate a *species of treason* against the nation, and an act of the *greatest treachery* to them, which has destroyed all confidence, and warranted their precaution against further efforts of the same kind:—They say that the *redress required by the Army*, to retrieve them from that state of degradation into which they were plunged by the Order of the 1st May, is *absolutely necessary*. Such were the first fruits of Lord Minto's General Order. The garrison of Masulipatam continued in rebellion till the 16th August, when the Officers having received intelligence of the submission of the Hyderabad Force, Major Storey and Captain Andrews stated, in a letter addressed to General Pater, that the time was arrived when they found that they could no longer oppose the authority of Government without injury to the interests of their country. Let us now inquire into the effects of Lord Minto's publication in other places. It might arrive at Madras about the 6th August; and as the separation of the Bengal post to Madras and Hyderabad takes place at Masulipatam, and the distance is 120 miles less to the latter than to the former station, the presumption is, that Lord Minto's Order of the 20th July must have been known as early at Hyderabad as at Madras. On that very day, the *sixth* of August, Captain Sydenham, the Resident at Hyderabad, informs the

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Government,

Government, that the Officers there look on their affairs as desperate, and are desirous of submitting upon an amnesty. It was not, however, until the 11th of that month, that the submission of the Officers of the Subsidiary Force was declared, when they solicited an amnesty from the Governor General, and circulated information of this proceeding to the several stations of the Army, and earnestly entreat their brother Officers to follow their example. They do not assign the expected approach of the Governor General as any reason for their conduct, but say that *imperious circumstances and mature reflection* had induced them to sign the declaration. The Jaulnah corps received this information on the 15th, when actually on their march to join the Hyderabad Force, and when Lord Minto's approach could be no secret: but though they were, in consequence of the resolution of the Hyderabad Officers, compelled to submit also, yet it is a generally reported fact, that they were so offended with the conduct of those Officers, as for a long time afterwards not to be on speaking terms with them. On the other hand, though the knowledge of Lord Minto's approach must have reached Seringapatam in four or five days after it came to Madras, that is, about the 12th at the latest, yet it was the 23d before that garrison surrendered, and then only on finding the other revolted corps had submitted; so that when we examine the conduct of the four principal revolted stations of Hyderabad, Jaulnah, Masulipatam, and Seringapatam, the Officers of the first were influenced by *imperious circumstances*, and the other three did not submit till necessity also compelled them. Those "*imperious circumstances*" are explained by the Madras Government,* as already intimated, to have been the refusal of the Native Troops to act with the disaffected Officers at Hyderabad, and their inability, even had the Native Troops better supported them, to meet the force collected against them. To this account Mr. Petrie has set his hand, without recording any counter-declaration. And the statement given by Lord Minto himself, extremely different from Mr. Petrie's, must finally settle the question.† "Many assurances," says his Lordship, "had reached me (in Bengal) that my arrival would be the signal of submission; and although I might reasonably suspect that such

* General Letter, 10th Sept. 1809, para. 145.

† Lord Minto's General Letter, 12th Oct. 1809, para. 43—46.

“ such a disposition, if it existed, might be founded on expect-
 “ tation of concession, which I should certainly have disap-
 “ pointed, yet it did not seem impossible that men advancing
 “ by such rapid and alarming strides to their own destruction,
 “ should catch at the pretence of a new authority, in order to
 “ retreat from the fearful course they were pursuing, with some
 “ salvo for their pride.” His Lordship adds, as another mo-
 tive, the unjust malignity of the Officers against Sir G. Barlow,
 and the following paragraph, assigning the genuine reasons for
 their addressing their submission to the Governor General.
 “ It happened that this paper (the General Order of 20th July)
 “ reached the Hydrabad Subsidiary Force and some other sta-
 “ tions of the Coast Army at the critical period already referred
 “ to, when the Officers began to waver in their designs ; and
 “ the last paragraph appears either to have favoured the new
 “ dispositions to *which other and more cogent reasons had given*
 “ *birth*, or to have been employed as an additional means of
 “ persuasion by those who wished, late indeed, *but earlier than*
 “ *the rest*, to abandon themselves, and recal others from the
 “ dangerous and fatal course they were running.” *

* See also much
 more to the same
 purpose, and very
 apposite to the
 present point, in
 para. 66 a' 75 in-
 clusive of this
 Letter.

The “ critical period ” alluded to in this passage by his Lord-
 ship, is described in the preceding part of the letter, to have
 been that which succeeded the several effectual measures above
 noticed, of the Fort St. George Government, for the suppres-
 sion of the revolt, which his Lordship explains at some length.
 We shall give but one short extract from this part of the letter.
 “ The final and unqualified submission of the revolted Officers
 “ has been more immediately brought about by the wise energy
 “ of the later measures, the object of which was two-fold :
 “ first, to separate the faithful from the disaffected ; secondly,
 “ to withdraw the Native troops from the Controul of Officers
 “ who were in open rebellion, and to replace the Company's
 “ Army at the disposal and under the orders of Government.”

After explaining the object of these measures, his Lordship
 goes on to state the influence produced by Colonel Close's effort.

“ All that Colonel Close had it in his power to do at Hydrabad,”

says Mr. Petrie, "had no more effect in reclaiming the refractory Officers, than in producing the revolution in Portugal." His Lordship gives a very different account. "The natural effect of these circumstances was much enhanced at the principal station of the Hyderabad Subsidiary Force, by the appointment of Colonel Close to that command, and by the courageous and vigorous attempt he made in the very face of revolt, to detach the Native Battalions from their Officers. He was overborne, it is true, on the spot; but the impression appears to have been made, especially on the Native Officers, and to have afterwards matured itself into dispositions which increased the alarm of the Officers."

Mr. Petrie himself has subscribed to a similar account in the Fort St. George dispatches.

We shall close this article with another more general and very decisive testimony from Lord Minto.† "But my satisfaction was much increased by the important circumstance of this result having been obtained by the counsels and resources of Fort St. George itself, that is to say, the very Government whose power had been defied. This sentiment struck me forcibly in the first moment, and has been confirmed by every hour's reflection since. I have thought it, indeed, of so much moment to the public interests, that, in addition to the pleasure I personally feel in doing justice to Sir G. Barlow's public merits, and to my strong sense of the signal services he has, on this trying occasion, rendered to his country, the circumstance to which I have alluded has become a fresh motive to mark, as I have been careful to do, in every public document that has a reference to these events, the obvious and decisive influence of his character and measures, in producing that happy issue which is the subject of the present communication." Thus the magic influence, the instantaneous effect which Mr. Petrie ascribes even to the report of Lord Minto's approach to Madras, is completely dissipated and destroyed by the concurring force of irresistible facts, and of the testimony of Lord Minto himself.

† General Letter of 12th Oct. 1809, para. 17.

We have now gone through the review which we proposed to ourselves, of the origin and progress of the disputes between the Officers of the Madras Army and the Government of that Presidency. And we trust that it has been demonstrated, by the great body of facts and evidences which we have produced, that the aggression did not begin on the part of Government, but on that of the Officers; that the progress of disaffection and hostility among the Officers was owing essentially, not to the want of conciliation in Government, which acted constitutionally in defence of its own rights, but to an inveterate spirit of insubordination and pretension, which seditious acts had inflamed, in the Officers, who aimed at unallowable or illegal objects by criminal means; and that the suppression of the revolt was effected by a wise and vigorous application of the resources of the Fort St. George Government.

Concluding Observations on the origin, progress, and termination of the Revolt of the Madras Officers.

Of the many instructive lessons which the history of this remarkable affair furnishes, lessons which we trust will not be disregarded, it may be permitted to us to advert to one or two connected with the scope of this Paper: the first is *the importance of maintaining in unimpaired vigour the authority of our Indian Governments.* Ever since we have possessed territory in India, there has been a disposition in the European body there, particularly the military Officers, to enlarge their own powers and privileges. The great Lord Clive was very early sensible of this truth, and, in the year 1765, thus delivered his sentiments upon it to the Court of Directors: “ This regulation (to increase the number of military Officers of rank) beneficial and necessary as it is, will, notwithstanding, be productive of one dangerous evil, if not constantly guarded against by the authority of the Governor and Council, supported and enforced by the higher powers at home. The evil I mean to apprise you of, is *the encroachment of the Military upon the Civil jurisdiction, and an attempt to be independent of their authority. A spirit of this kind has always been visible: our utmost vigilance, therefore, is requisite to suppress it, or at least to take care that it shall not actually prevail. I have been at some pains to inculcate a total subjection of the Army to the Government,* “ and

“and I doubt not you will ever maintain that principle.”
 And early in 1767 the same distinguished man, then taking his leave of the Government of Bengal, thinks it important to inculcate the same sentiment still more forcibly, and in relation to the Civil as well as Military servants. “No regulation can be carried into execution, no order obeyed, if you do not make rigorous examples of the disobedient. Upon this point I rest the welfare of the Company in Bengal. The servants are now brought to a proper sense of their duty. If you slacken the reins of Government, affairs will soon revert to their former channel; anarchy and corruption will again prevail, and, elate with a new victory, be too headstrong for any future efforts of Government. Recall to your memories the *many attempts that have been made in the Civil and Military Departments, to overcome our authority, and to set up a kind of independency against the Court of Directors. Reflect also on the resolute measures we have pursued, and their wholesome effects. Disobedience to legal power is the first step to sedition; and palliative remedies effect no cure. Every tender compliance, every condescension on your parts, will only encourage more flagrant attacks, which will daily increase in strength, and be at last in vain resisted.* I repeat that you must not fail to exact the most implicit obedience to your orders. Dismiss or suspend from the service any man who shall dare to dispute your authority. If you deviate from the principle upon which we have hitherto acted, and upon which you are conscious you ought to proceed, or if you do not make a proper use of that power with which you are invested, I shall hold myself acquitted, as I do now protest against the consequences.”

The Legislature since his Lordship's time has, by various Acts, happily and wisely placed a great degree of power in the hands of the administrators of British India; both the administrators abroad and those to whose controul they are subject at home. But vigilance and resolution in the exercise of that power are still and ever will be necessary. The maintenance of it in its form and spirit, both in India and England, is, as we conceive,

conceive, necessary to the preservation of our Eastern Empire. If the will of the community in India, Native or European, Military or Civil, come, either by compulsion or influence on their side, or by relaxation on the part of Government, to dictate in the choice of public measures and public men, there is an end of the supremacy of this Country and of the Company over India. That supremacy stands or falls, is preserved or impaired, as the local Governments are maintained in due vigour, or decline into feebleness: and all advances to a preponderance of local influence, either by undermining or overawing the constitutional authority of those Governments, must proportionably diminish their efficiency, and the security of that system of administration on which the welfare of both countries so much depends. There is a tendency in every community, especially of Europeans settled in distant dependencies of their mother country, to prefer the local interests of those dependencies, to aim at local influence in their public affairs, and to make the voice and opinions of their community the standard of right and wrong in respect to those affairs. Wherever their opinions come in opposition to the local Government, they should be regarded with great caution. Local Governments are to be punished for misconduct, especially that which tends to alienate the affections of the people; but rarely indeed should the judgment of the local community be allowed any lead in this matter. A Governor may render himself obnoxious to the people under him, by a steady adherence to public duty, at the sacrifice of the private interest of others, and his own popularity; and the consequence may be, a combination to run him down, and, by discrediting his measures or embarrassing his Government, to effect a change. Such an effect would in reality strengthen the local influence, and proportionably diminish the power of the Constitutional authorities. The legal authority, therefore, of Government in India, ought to be maintained in its full vigour; not in view to the interest of the individuals who may happen to be in the Government, but to the interest of the State. The popular voice may speak truth and reason, and there it ought to be attended to; not because it is popular, but because it is just. The popular voice of Colonial Establishments

blishments will generally be for local interests. It is certainly the easier and more popular way for a Governor to lend himself to private or partial interests, when in opposition to those of the public, or to temporize and bend when a steady adherence to duty appears to be attended with conflict or danger: and he may then too be tempted to think the most convenient way also the safest. But when a numerous body is united in the pursuit of important interests, particularly when a great body of European Military Officers of our Indian Armies are combined to struggle for favourite objects, they are not to be diverted by words of complaisance. To hold a temporizing conduct is but the preliminary to concession, and concession in such circumstances is defeat—the defeat of legitimate authority—and the triumph of a body which ought to have whatever is reasonable by voluntary grant, but not even what is reasonable through the instrumentality of encroachment or usurpation. In maintaining these sentiments we think we consult the permanent interest of the Community, Military and Civil, as well as that of the Indian Governments and of this Nation. We, not less than those who have used the language of indulgence with respect to all the late excesses of the Army, are sincere well-wishers to their lasting welfare and fame. We are aware that the malignant arts of a few designing persons, and the rashness of many inexperienced ones, have essentially contributed to produce the astonishing spectacle which has lately been exhibited. We deeply lament the errors of the military, and wish perfect amity to be restored between them and their superiors: but these sentiments do not require, nor can any thing induce us to compromise the unalterable principles of good Government, on the maintenance of which the true happiness of all society must depend.

From the preceding doctrine a question naturally arises, concerning the influence which the *unpopularity of any Indian Government* ought to have upon the judgment and conduct of the Indian Authorities at home. It is obviously extremely desirable on various accounts, particularly for the easy transaction of the public business, and the satisfaction of those living under

under the Government, that its character should be popular; but it is obvious also, that popularity ought not to be purchased at the expence of principle or of the public interest; and that as it may be acquired by improper sacrifices, so it may be lost by an adherence to the obligations of duty. When dissensions arise in any State or community, it is to be expected that the party which is in opposition to the Government will represent its proceedings in an unfavourable manner. In such a case, the mere fact of its being unpopular determines nothing. Before that fact is adopted here, as a charge against a Government, the causes of the unpopularity ought to be fairly investigated. If the stability of the Governments abroad is to depend on the voice of local faction or party, or on the opinions, more or less general, which local communities may be induced to adopt, and not on the reason of things, there is an end of the supremacy of the Executive Body at home. On this account, even when Governments are wrong, and are seen to be so by the unbiassed sense of those around them, it should be demonstrated that the Authorities here act from their own deliberate judgment, and not from extraneous influences.

In the case now before us, of Sir G. Barlow, against whom the charge of unpopularity is often and vehemently urged in this country, it is manifest that the causes whence his unpopularity at Fort St. George has chiefly sprung, are the affair of Mr. Sherson, the proceedings connected with the Carnatic debts, and the discontents of the Officers of the Army. In all these cases, the objects for which he and the majority of the Council contended were public principle and public justice, the just interest and authority of the Company in opposition to private interest, which was deeply concerned in every one of these cases. He had also to carry into effect the difficult but necessary work of great retrenchments, which hardly any efforts on the part of a Government can render palatable; and it has appeared what an extraordinary combination of factions he had to resist. He is not, as far as we know, accused of having acted from selfish or interested views—the charges against his personal character respecting chiefly his temper and manner. He is represented as

*Application
of these observations
to the case
of Sir G. Bar-
low.*

*The view of
his tempers and
manners, by Mr.
Petrie, and in
the Dissents.*

cold

* Mr. Petrie's
Statement.

† Dissents of
Mr. Elphin-
stone, Sir F.
Baring, Sir H.
Inglis, and
Mr. Pattison.

passim.

‡ Dissent, Mr.
Pattison.

§ Do. Mr. Elphin-
stone.

Some other
charges brought
against him in
the Dissents.

|| Dissent of Mr.
Elphinstone.

** Mr. Pattison.

†† Do. and like-
wise Sir F. Baring,
&c. and Col. Ban-
nerman, as to
keeping the Re-
cords.

‡‡ Dissent of Mr.
Pattison.

§§ Do. Mr. El-
phinstone.

cold and repulsive,* then, (not very consistently) as violent and harsh; and it would seem from all these accounts, as if his manners had no small influence in producing the rebellion. But we do not understand that Sir G. Barlow has, in fact, been impelled, as frequent† expressions in the Dissents before us might lead the reader to conceive, from any thing violent, harsh, or irascible in his character. We are led to believe that he is a man of a calm, temperate mind; and though he is unpopular with those to whose ambition or interest his sense of duty has placed him in opposition, or with others influenced by their representations, yet we cannot easily express our sense of the injustice done him, when he is described in the language of Mr. Pattison,‡ himself entirely unacquainted with the scene, as “held in execration by a whole Settlement, civil and military;” and by Mr. Elphinstone,§ who, taking occasion to speak of another gentleman, Lieutenant-Colonel Leith, an Officer highly distinguished by his talents, and his faithful able discharge of the difficult obnoxious office of Judge Advocate General, is pleased to say, “that he is a man almost as much detested as “Sir G. Barlow himself.” Nor can we forbear remarking here, that it is in papers wherein passages of this nature are not unfrequently found, wherein Sir G. Barlow is charged with *intentionally* keeping back the Records,||* (when, as it now appears, there was nothing kept back or concealed,**) with monstrous absurdity, with folly and wickedness;††—that he is also represented, on the ground of his public writings, which, in our humble opinion, are conspicuous for temperate manner and official style, as dealing “in violent malignant invective”—‡‡ “in abusive language without measure, attacking “respectable characters, without either proof or probability to “support his assertions.”§§ Though these last charges are founded on Sir G. Barlow’s writings, of which, as they are now printed, the world will judge; the opinion in general delivered by the Authors of the Dissents respecting his character must have been adopted from the reports of others, as these gentlemen themselves have no personal knowledge of him. Those opinions, however, entirely coincide with the representations of his adversaries, as do the views of the transactions at

at Madras, given generally in the Dissents ; which, in our apprehension, furnish a very remarkable instance of judging against the great mass of recorded evidence, and according to the tenour of anonymous, interested, unproved accusation. This appears still more striking, when a fact, which we believe to be undisputed, is considered ; namely, that every one of the Authors of those Dissents voted, a very short time before the date of them, for the continuance of Sir G. Barlow as Governor in a new Commission for the Government of Madras.

But after all, Sir G. Barlow appears to have lived in entire cordiality with a most respectable part of the community of Fort St. George, including the eminent person who presides in the court of justice there, two of the Members of Council, the successor to General Macdowall in the command of the Army, and other distinguished servants, Civil and Military, as well as to have carried on the public business in great harmony with the Supreme Government and the other Presidencies, and with the Commanders of His Majesty's squadron.

If, in pursuing through thorny paths, those laudable objects which have been described, he had even somewhat erred in his course, he would still be entitled to our respect ; but if, from principle and duty, he has, unswayed by all the influence with which he was surrounded, and unawed by the most formidable combinations any Governor had to contend with, sacrificed so many personal considerations, and hazarded all personal consequences ; if he has also, by extraordinary fortitude, energy, and ability, crushed faction, subdued rebellion, and established the just authority and dignity of Government, he has exhibited a high example of public virtue and public service, as honourable to the country as it would be disgraceful to it to reward such a man with obloquy and condemnation.

We come now to the question of the removal of Mr. Petrie from the Council of Fort St. George, and the reasons on which that measure was founded.

The causes of the removal of Mr. Petrie from Council stated, and that measure justified.

Concerning the time and manner in which the question was brought forward in the Court of Directors, the circumstances and the motives which led to the introduction of it at that time; the manner in which the votes were given upon it, and an unbiassed majority finally decided for a new Commission of Government, wherein the name of Mr. Petrie was omitted, the late Chairman and Deputy Chairman, in opposition to the representations given in the Dissents, have laid before the Court a justificatory statement, to the accuracy of which, as far as it describes what passed in the Sitzings of the Court, we must bear our testimony, and we trust it will be found effectually to settle all these preliminary points.

But to some other points, also of a preliminary nature, we must ourselves particularly speak.

The Dissents generally assert, in substance, what has been peremptorily affirmed in print, in the introduction of Mr. Petrie's *Statement*, that he "has been dismissed from his situation in Council, for no other reason than his having presumed (in compliance with his duty and with the repeated orders of the Court of Directors to the Members of their different Councils) to record, in decorous and modest language, his dissent to proceedings which he considered to be subversive of the law and dangerous to the public service." To this assertion we must oppose the most positive and distinct denial, as we did to the same allegation when first advanced in the discussion in Court. And we must also combat a dangerous principle, which may be implied in or deduced from the unfounded account here given. True it is, the Court of Directors have encouraged and required that the Members of their Governments shall state on the Minutes of Council, in temperate and decorous language, their reasons for dissenting to measures of importance adopted by the majority. We approve of those instructions, and intend to abide by them; but it never was the meaning of the Court of Directors, that a gentleman recording his opinion in opposition to any measure should exonerate him from responsibility for that

that opinion, and for the line of conduct followed by him in respect to that measure. Such a construction would afford an easy refuge from the consequences of the most exceptionable proceeding, and destroy one great use of the regulation, which is not only to bring before the Court of Directors all the arguments against as well as those for great measures, but to afford them the means of judging more strictly of the conduct, principles, and talents of every Member of Government. And it is further to be observed on this head, that, in the encouraging the exercise of a decent freedom of opinion, the Court of Directors have utterly prohibited all factious opposition.

We therefore totally deny also the unwarranted conclusion assumed in the Dissents *, that the Councils of our Governments abroad will henceforth be reduced to a cipher, and the Governor possess the sole power, whereby the Government will be rendered arbitrary. The conclusion being deduced from unfounded premises falls of itself: but, besides that the present measure is not likely to lead practically to any such doctrine in India, it will always be true that a Counsellor cannot divest himself of responsibility any more in supporting than in opposing the measures of a majority.

Secondly. It is to be carefully remembered that the real question before us, was not simply whether Mr. Petrie should be removed from Council, but whether he who, through the whole progress of a most arduous period, had opposed that course of measures which the authorities at home have judged to have been proper and necessary, or either of the other two Civil Members of Council, who had uniformly supported that course of measures, should be continued in the Council. There was a necessity of removing one, Sir Samuel Auchmuty, the newly appointed Commander in Chief, having been also nominated to be second in Council, and the whole number of Counsellors being by law limited to three. *The question then was, whether Mr. Petrie, who had opposed those measures, or one of the other two Members, both of whom had supported them, should be removed.* The Dissents, in discussing this measure, have

* Sir F. Baring
and Sir H. Inglis;
Mr. Elphinstone.

have introduced, we think improperly, allusions to personal motives which may have biassed in the adoption of it. We trust that we might safely leave our characters to speak for themselves against any allusion of that nature; but in a time of so much misrepresentation, we think it not amiss to declare, each from consciousness for himself and from belief for the whole, that we have been governed in this affair by the great motives of public duty and public good. "That Mr. Petrie's defence has not "been heard," and "that he has been removed on clandestine "evidence," we are surprised to see some of the Dissents * asserting, when his Minute is a professed defence, delivered by himself to the Board of Madras, in answer to the charges brought against him by Sir G. Barlow; and when it was acknowledged by some of his supporters, in the discussion of the subject, that there could be no doubt of the authenticity of the copy of that document, laid before the Court under the signature of the Secretary to the Government of Fort St. George. We acted upon the Statement of those charges by Sir G. Barlow, and that defence by Mr. Petrie, not upon anonymous publications of any description, as seems to be idly surmised, nor upon private application, nor to gratify any individual. And as to the objection made, when those documents so authenticated were laid before the Court; "that the Madras consultations were not "then arrived," an objection which was overruled from the exigency of the case, and the apprehended sufficiency of those documents, particularly the evidence from the defence of Mr. Petrie himself, it has been found that those Consultations, since received, contain nothing more upon the subject.

The Dissents have also introduced a comparison between the merits and services of Mr. Petrie and Sir G. Barlow. The measure of removing Mr. Petrie, which a sense of duty imposed on us, we adopted with reluctance, but with no wish to say or do any thing which might add to the pain he must naturally feel on such an occasion. Those gentlemen who espoused his cause have, by arraigning that measure, forced us into a defence of it, and hence into an examination of Mr. Petrie's conduct, which we should otherwise have avoided. We think this comparison was

was still less expedient. Had the arduous task been accomplished of establishing by argument, (a mode which has not been adopted,) that Mr. Petrie was right in the line of conduct he held respecting all the controverted questions, it would still have remained an undertaking of no small difficulty to prove that Mr. Petrie's preceding services had surpassed in importance and merit those of Sir G. Barlow. But we do not feel ourselves called upon to occupy time in discussing a question, upon which we confess, without meaning any disrespect to Mr. Petrie, we were not aware, until we saw the Dissents, that the opinion advanced upon it in them had been at all entertained. Only as to the extent of time and the employments in which the two gentlemen have served the Company, we should just observe, that it is indeed above forty years since Mr. Petrie entered the service, but that he has passed only twenty-eight years in India, having been, since his first appointment, four times at home, twice for six years at a time; whence it is natural he should be better known here than Sir G. Barlow, who has never been in England since he first entered the service in 1778, a period of thirty-one years. With respect to employments, Mr. Petrie, after having held several respectable offices for short periods, became incidentally a Member of Council for six weeks in 1787. In 1788 the Court passed some animadversion on one part of his conduct in a paragraph to Madras, which was struck out by the Board of Commissioners, and an approbation substituted. In 1789 he came back the third time to England with a recommendation from the Madras Government "that he might be" (not extraordinarily remunerated or distinguished, but) "allowed to return to the service when his health should permit." In 1791 he went again to Madras, with the appointment from home of third in Council, and to succeed *pro tempore* to the Government in case of vacancy: but in 1792 he came home the fourth time. In 1798 he returned to Madras with the appointment from England of a seat in Council, and the temporary succession to the Government. In 1802, Mr. Petrie was presented by the Court, as is stated in one of the Dissents,* with the sum of 10,000 pagodas, "as a mark of the high sense they entertained of his long and faithful services." His time of actual

* Sir F. Baring
and Sir H. Inglis.

actual service then amounted in all to about 20 years ; and as this present, which was given when Lord William Bentinck was appointed successor to Lord Clive, is quoted to aggravate the alleged injustice of his late removal, we must fairly say, that if it is intended to adduce the present as a "proof" of the superiority of Mr. Petrie's services, in length or in value, to those of many other servants not so remunerated, a review of facts will not, in our opinion, support the intention. Mr. Petrie has remained in India since 1798 ; and the course of his service under the Governments of Lord Clive, Lord William Bentinck, and Sir George Barlow, with the short period of less than four months in which he held the Government himself, is sufficiently known. Sir G. Barlow is known to have devoted himself through the whole of his service, to an uninterrupted course of public labours, by which he has been, ever since the beginning of the year 1787, that is, soon after Lord Cornwallis entered on the Government of India, eminently distinguished. In the year 1788 he was appointed to the charge of the Secretaryship of the Revenue Department, and held it during all the period in which the great institutions of Lord Cornwallis, respecting the Land tenures of Bengal, and the administration of justice were framed. In 1796 he was called to the arduous employment of Chief Secretary to the Government, and in 1802 appointed a Member of the Supreme Government. He has been twice nominated successor to the office of Governor General, has filled that office two years, was removed from it only by His Majesty's Warrant, and was in 1807 appointed to the Government of Madras. So far are the testimonies in favour of Mr. Petrie from being "unprecedented in the annals of "the Company"—an expression which surprised us—that, if the public Records are consulted, those in favour of Sir G. Barlow, both from home and from India, will be found more numerous and more strong.

Fourthly. As, in the course of the preceding Review, we have been led to advert to certain facts and documents, which were not under the notice of the Court of Directors when the measure of removing Mr. Petrie was adopted, we desire to be understood

understood as not resting that measure in any degree upon them, but as quoting them only to illustrate the propriety of it, and the merits of the general questions under discussion. But having, in the same review, taken frequent occasion to deliver our sentiments upon particular points in the opinions or conduct of Mr. Petrie, which are either professed in his Minute, or fairly deducible from it, or are elucidated by other facts publicly known at the time of his removal, we must request that, though our observations of that nature cannot be recapitulated here, they may be considered as having then influenced our judgment, and as being now urged in support of it. And whenever our conduct in relation to this affair shall be examined, we protest against excluding, in the consideration of it, the foregoing observations, more particularly, though not exclusively, those which relate to the questions concerning General Macdowall, Colonel Capper and Major Boles, the discontents of the Officers, the suspensions of the 1st of May, the Test of the 26th July, and the causes which terminated the revolt.

Fifthly. We shall therefore, after these introductory remarks, proceed to state in a summary way, under general heads, the grounds upon which our opinion was formed, and we think is justified, that the removal of Mr. Petrie from Council was proper and necessary.

1st. Mr. Petrie was, in our judgment, totally wrong in his whole system of policy with respect to the Officers of the Army. We do not mean that conciliation is not at all times desirable, and ought not to have been preferred if it had been practicable; but that the insubordinate seditious conduct of the Officers left no means of conciliation on the part of Government, unless passive submission to insult and degradation be called such, and that these means would only have increased the measure of military usurpation, and rendered the Government incompetent to the proper performance of the high duties entrusted to it. Mr. Petrie, in the whole of his conduct and reasonings, seems not to have seriously taken into his contemplation, the credit, efficiency or security of the Government. He has indeed spoken

of "dignity, firmness, moderation," of an "appropriate General Order," (which would, as we have shewn, have been an act of imbecility) of "producing happier effects at less expense;" and the authors of the Dissents, who have coincided in his views, have held much general language of the same kind; but neither Mr. Petrie nor they have given us the least definite idea of the manner in which he would have acted, had the conduct of affairs been in his hands, unless it were by concession: nor from the nature of the case does it appear that there was any possible mode of action, except by resisting insubordination and sedition, or in one form or another, by concession, connivance or passiveness, yielding to them. The ill success of attempts to gain the Army by forbearance, temporizing, and patience under open revolt, was fully exemplified in the conduct of Colonel Montresor, Commandant at Hyderabad, and Colonel Malcolm at Masulipatam. And in fact, it appears that Mr. Petrie looked chiefly to concession. But whilst no real attention was manifested by Mr. Petrie to the interest and the character of legitimate authority, he seemed to set no bounds to the lengths to which he would permit the Army to go, rather than enter into serious contest with them, nor to consider what the effects of unrestrained military licence and encroachment must be. Whilst he was alive to infinite dangers on the one side, he seems to have adverted to none on the other. To that the foresight ascribed to him does not appear to have been turned. The Officers, on his principles, must have had their will; the public disgrace of Government in its compelled rescinding of its own Orders passed for the suppression of open rebellion; the removal from office of individuals, whose merits had rendered them obnoxious to the Officers: the establishment of the "Rights of the Army;"—the recommendation at least of Government for the "appointment of the representative of the Army" to Council; the overthrow of retrenchments, &c. We mean not that Mr. Petrie has said this, but that it would be the result of his system. He thought that if an open conflict was prevented, the grand point was secured; and to obtain this it would seem, for any thing that appears, he would have abandoned to chance all other consequences. "To my judgment,"

says

says Mr. Petrie, "the repeal of every Order passed for the last
 "eight months," (his meaning is probably the same as in his
 Statement, where he says twelve months) "would be a lesser
 "evil than shedding a drop of British blood in a civil contest."
 "To me concession seemed as a *feather* when placed in
 "the scale against the revolt of the Army, a civil war, and the
 "probable loss of the country." He seeks to justify his opi-
 nion by saying, "that greater Powers than ours had conceded to
 "expediency or necessity." The allusions which it would ap-
 pear he had in view here, namely, the proceedings of the Volun-
 teers in Ireland, and the mutiny in our Fleet, were cases utterly
 different, not threatening the subversion of the British Govern-
 ment; and, in assuming that concession was dictated to the
 Fort St. George Government by "expediency and necessity,"
 he has begged the whole question. The result has at least proved
 that concession was not *necessary*. But Mr. Petrie does not
 appear to have had an idea that revolt could have been success-
 fully resisted; and, after he had seen the contrary, he has
 (dangerously we think) assigned to "great and singular good
 "fortune," what was the effect of the real strength and rational
 measures of Government. It would seem, indeed, that he ap-
 prehended no danger from the largest concessions. He thought
 that Sir G. Barlow hazarded every thing for a form, and that
 his own course would have secured the *substance*. And here it
 is that we hold Mr. Petrie to have been essentially wanting in
 the judgment required in the station and circumstances in which
 he was placed. It is our decided opinion that Mr. Petrie's
 system would have sacrificed the *substance*, would have weakened
 and degraded the Government, and have given an ascendancy to
 the military power, which must either in the end have been
 opposed with more disadvantage by an open struggle, or have
 been productive of confusion and danger, internal and external.
 The effect of Mr. Petrie's mode of thinking on this subject is
 not to be confined to his own conduct only. The general tenour
 both of his sentiments and conduct must have been known to
 the Army and the public, and without supposing any factious
 view on his part, have produced an influence prejudicial to the
 Government. And having not only acted upon, but published

to the world, those sentiments in favour of indefinite concession to the Army, and against all serious resistance to them, we think it was unfit that a person known to hold such sentiments should remain a Member of Government, in the station too next the Chair, and more especially at a time when unanimity in the Government upon this great question of the line of policy to be held with the Army was so requisite, and when the unequivocal and decided support of the measures of that Government by the Court of Directors was so important.

2d. Upon the principles or opinions Mr. Petrie himself has avowed, his conduct appears to us to have been extremely culpable.

In the month of October 1807, when he was in the Government he stated repeatedly and forcibly to the Court of Directors, "that a very dangerous spirit of insubordination
"and cabal had lately shown itself in the Army, (which must
"be dangerous to all armies) which, after the events that had
"agitated the Native Army of that Presidency, might lead to
"consequences of the most fatal nature: and we are satisfied," continues the public letter of his Government, signed by him, "that nothing but a firm determination to resist and to punish
"every appearance of disrespect to the public authority, can
"uphold that degree of discipline which is essential to the
"existence of your Army."

We hear no more of this language or tone from Mr. Petrie in the Government of his successor, although the spirit of insubordination was progressive, originating, as was observed before, from no act of Sir G. Barlow's, and had become ostensible in cabals, combinations and factious proceedings, before General Macdowall had commenced his public outrages against the Government. M. Petrie appears wholly to overlook the course of highly insubordinate, factious conduct pursued by that Officer, without reserve, among those under his command in the progress of the year 1808; a course of which, as it was generally known, Mr. Petrie could not have been ignorant. And
when

when General Macdowall went to a length no other man had ever ventured upon, in publicly insulting the Government, Mr. Petrie gives the General Order of that Officer the mild epithet of *disrespectful*, is for passing it over without any exercise of severity, as he expresses it, to General Macdowall, and, in all the subsequent insults publicly offered to the Government by the Officers, he is utterly forgetful of his own declarations, that “ *insubordination may lead to the most fatal consequences, and* ” “ *that the discipline essential to the existence of the Army cannot* ” “ *be upholden without a firm determination to resist and punish* ” “ *every appearance of disrespect to the public authority.*” He throughout extenuates the proceedings of the Officers, whilst the language of his Minute throws the chief blame on the Government. Instead of hearing any more from him of the necessity of supporting the public authority and the discipline of the Army, he appears to be uniformly for suffering every thing, and yielding every thing, rather than enter into contest with the Officers, which, as the general tendency of his opinions and disposition must have been known, could not fail to animate the disaffected. Perhaps it may be expected, that in justice to him, we should notice a distinction introduced on this head in his Statement ; “ that, if turbulence in the Army was confined ” “ to a part, and did not extend to a majority, it was our duty ” “ to meet the case with exemplary punishment ; but that, if ” “ the whole or a great majority was disaffected to Government, ” “ the measures Sir G. Barlow proposed were totally inappli- ” “ cable.” Upon Mr. Petrie’s own reasoning, he is censurable in not joining with Government to suppress the earlier stages of insubordination, before it could be said that general disaffection existed ; but in fact, the distinction here so broadly stated terminates in this ; that if the seditious in the Army can only make their combination general enough, they must not be resisted ; a principle which, if Governments were to adopt, there must be an end of the supremacy of the Civil Power over the Military. “ The grievances of the Army,” a phrase become common among the Officers, is a phrase repeatedly employed in Mr. Petrie’s reasonings, and apparently with a degree of admission ; but he enters into no explanation or discrimination

tion touching those grievances. Now it is known that the unreasonable and inadmissible claims contained in the very improper Memorial of the Officers, pressed on Government by General Macdowall, made up at least a considerable part of their "grievances." These claims, as well on account of their nature, as because they were made in opposition to the acts of former Governments in which Mr. Petrie had concurred, or to the acts of the Court of Directors themselves, it was the duty of Mr. Petrie openly to resist. Instead of seeming to tolerate their being set up, and remaining as grounds of complaint, he should have fairly and publicly expressed his disapprobation of them, in order clearly to inform the Army of his sentiments on this material subject. He could not, to be consistent with himself, allow that the claims were founded; nor does it appear that he thought them so. He has subscribed to the Fort St. George letter of the 10th September 1809, which states the Army had no grievances; but there is an indiscriminating toleration and indulgence respecting "grievances," visible in his Minute, very different from his style in October 1807; and, in the temper and circumstances of the Army very incongruous to his duty as a good member of Government.

It cannot be doubted, that whatever Mr. Petrie's opinion of the proceedings of Government towards the Army might be, it was incumbent on him to use his utmost efforts to restrain their criminal excesses, especially when they were advancing to open insubordination and revolt. He has mentioned his endeavours with individual Officers; and it would have been satisfactory to have seen something of his correspondence, and more of his proceedings on this subject: but we think this was not enough. In so great a crisis, it would have become a man in his high situation, and possessing influence, as he says himself, with Officers, to have interposed with them more publicly and zealously for the prevention of the evils he feared. Delicately circumstanced as he was, it would have been proper and useful in him to have declared in a public Minute his reprobation of insubordination and sedition, and of all agitations tending to them. From such an act, solemnly performed and made known
by

by a man whom the Army looked upon as friendly to them, some good would probably have resulted, and at least, it would have been a defence against misrepresentation.

We think Mr. Petrie's conduct in Council, and towards the Court of Directors, in relation to the discontents of the Army, liable to objection. It does not appear that he fully debated at the board the measures there proposed; but he refers to private conversations with Sir G. Barlow. On such momentous subjects it was, on his own principles, his duty to state his opinions openly in Council. Private conversations are no record; and such an ambiguous course of private objection and ostensible passiveness, leaves an opening for maintaining afterwards, according as events turn out, either that measures were opposed, or that they were acquiesced in. Upon the same principles that Mr. Petrie recorded his Dissents to the measures of Government against individuals, it was his business to enter his objections to the proceedings of Government on great questions which involved the highest interests. Unless Sir G. Barlow's Minute, written a year after the commencement of the Army agitations, had, with Mr. Petrie's reply, produced explanations, the Court of Directors probably never would have known the opinions or the line he held respecting those subjects; but seeing his signature to all the Letters relative to them from the Government, without any counter-declaration, they would of course suppose he acted with his colleagues, unless subsequent censure from the Court should have drawn forth exculpatory information from him: whereas he himself admits,* "that the
 " Court will require to know the causes which have exposed
 " the State to such dangers, and that he has an opinion of
 " them very different from the President's."

* Minute, p. 11.

3d. We wish that Mr. Petrie had been so guarded in his conduct, as not to have left it liable to the construction of affording countenance to the factious opposers of Government. Whilst it is allowed that members of Government possess the right of maintaining, with decorous freedom, their conscientious opinions on public subjects, even when they differ from
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the majority ; it is also to be granted, that however they may oppose particular measures, it is their duty to uphold the general authority and efficiency of Government, because, when these are impaired, the ends of the institution of Government itself are so far frustrated ; and, in a time of party violence, and of disputes between the Government and any portions of the community, dissentient members of that Government ought to be very careful, that whilst they adhere to their own opinions, they do not, by their conduct otherwise, throw weight into the scale of factious opposition. We do not think Mr. Petrie has been sufficiently attentive to this material distinction. Supposing it even granted that the supporters of Mr. Sherson, of one party of Carnatic Creditors ; of General Macdowall and the subordinate Officers, were all right as to their particular objects ; yet, in going beyond those objects, in combining to revile and run down the Government, with the view, at length apparent, of effecting a change in the administration of it, they broke in upon the respect and reverence due to the ordinance of Government, and acted injuriously to the public interests. No appearance should have been admitted from whence they or the Public might imagine that all the members of the Government did not decidedly reprobate all tendencies of this kind. But Mr. Petrie's friendships and intimacies seem unfortunately to have been very much with the persons in opposition to the Government, and to have been kept up after their opposition had become general and notorious. We do not say that he was to have given up his real opinion of the innocence of any individual, because Government had thought him guilty ; but certainly, after such individual had been publicly marked by the censure of Government, and had, in consequence, been raised into popularity by the disaffected as a martyr to the injustice of Government, it was Mr. Petrie's duty to abstain from whatever might be construed to countenance such a spirit of faction. But after the suspension of Mr. Sherson, and after his case had become a rallying point for the disaffected, we find, by Mr. Petrie's own account, that he is frequently and familiarly received at his house. Mr. Petrie says, one reason of this was, that he might obtain from Mr. Sherson himself, explanations concerning

concerning his accounts, which he (Mr. Petrie) was then investigating for his own satisfaction, after the Grain Committee and Government had pronounced Mr. Sherson guilty. We cannot but doubt, in the first place, the propriety, under all existing circumstances, of a private examination of this kind between Mr. Petrie and the accused ; but must not Mr. Petrie have been aware, that the Public could not know of the reasons assigned by him for seeing Mr. Sherson so frequently ; and that the familiar reception of Mr. Sherson at his house would be interpreted as intended to give him the same countenance and support, which he had from a party, because under the disapprobation of Government ? So with respect to Lieutenant Colonel Sentleger, Major Boles, and Captain Grant, of whom the first and last were suspended on the 1st May, and Major Boles on the 31st January. Mr. Petrie, in admitting that these Officers occasionally called upon him, says, that “ all the objects of his communications with them was through their influence to allay the alarming ferment which was rapidly spreading from one station of the Army to the other, &c.” Now, as here again, the reception given to gentlemen, known to be in hostility to the Government, might easily be misinterpreted by the Army, so we must confess that it seems an unfortunate proceeding in Mr. Petrie to have chosen, for the purpose of allaying discontents in the Army, Officers whom the Government found it necessary to suspend for insubordination or sedition ; and against the first of whom, Lieutenant Colonel Sentleger, Mr. Petrie, as we have seen before, had on the 21st October, 1807, made very strong representations on account of insubordinate conduct ; namely, that he had “ placed himself in the character of a Defender of the general interests of the Company’s Army, and that he was eager to promote dangerous discussion ; whence Government were impressed with the strongest sense of the dangerous tendency of his inflammatory and factious proceedings.” And afterwards, in the same Letter it is stated, “ that the dangerous spirit of cabal in the Army had been greatly inflamed by the impunity with which Lieutenant Colonel Sentleger had hitherto been enabled to brave and insult the authority of Government,” (Mr. Petrie was then

then sensible that impunity added to insubordination) “ and
 “ that he was held up at the principal military stations as the
 “ champion of the rights of the Army,” &c. Into the defence
 of Lieutenant Colonel Sentleger, which Mr. Petrie seems to
 adopt, against the charge on which he was suspended, we shall
 not here enter, as there will be another occasion to consider
 that charge, and the proofs by which it is established ; but,
 passing over also the complimentary strain in which Mr. Petrie,
 in his Minute, writes of that Officer, we cannot avoid expres-
 sing our surprize at his quoting, with apparent satisfaction,
 what Lieutenant Colonel Sentleger had stated to him as part
 of his defence ; namely, “ that he had endeavoured to discour-
 “ rage in the Officers under his command, every idea of *openly*
 “ opposing the authority of Government ;” though it appears
 from Mr. Petrie’s Statement, that he understood this Officer,
 and nearly all those under his command, to have taken *an active*
part in exclaiming against the measures relative to General Mac-
dowall, &c. and had signed “ certain inflammatory papers ;”
 which is something of the same nature as the observation Mr.
 Petrie makes in behalf of Colonel Capper and Major Boles ;
 that the remotest intention of *creating a mutiny in the Army,*
 could not be imputed to those Officers.

We certainly could have wished to have seen Mr. Petrie
 actively and ostensibly associating with men also of another
 description, known friends to order and obedience, for the
 purposes of ascertaining accurately, and of allaying the discon-
 tents of the Army ; but even when he learnt from Lieutenant
 Colonel Sentleger, “ that a most dangerous combination existed
 “ in the Southern Army, to resist the Orders of Government,
 “ and to insist on a redress of grievances,” we do not find that
 he proceeded to communicate this information, most important
 as it was, to Sir G. Barlow or his colleagues in the Govern-
 ment.

We are indeed concerned to see, that Mr. Petrie’s defence of
 himself, in answer to Sir G. Barlow, does not exhibit him as
 living in habits of private intimacy and confidential communica-
 tion

tion with any description of persons but such as were in a state of hostility to the Government, both in the Civil and Military lines of the service. And on the whole of this head, so far are we from thinking with the authors of the Dissents, that Mr. Petrie has refuted the accusations of Sir G. Barlow, that we are of opinion the facts he has admitted, and very unsatisfactorily explained, establish a great deal; that his house was open to the malcontents (even after Sir G. Barlow's admonition *, though he might not subsequently *have asked* suspended servants to come to it;) that he was considered as a friend by all those of that description whose names are prominent in that time of commotion; and it must be evident, that in a community violently inflamed by the spirit of party and faction, in which the course held by the second Member of the Government could not be unobserved, his maintenance of opinions which were also held by those hostile to Sir G. Barlow, and his opposition to the same measures of Government which they likewise opposed, might, without much greater precaution than he used, be naturally interpreted by the different parties united against the Government, as a support and encouragement to their cause.

* Minute, p. 29.

Some of the Dissents † lay much stress on the declaration of Lord Minto, that in doing justice to Sir G. Barlow and the gentlemen who supported him, *he did not mean to reflect on the conduct of Mr. Petrie*; but that he thought the conduct of Mr. Petrie wrong, is evident, both from his own opposite course, and from the passage of his letter immediately following the one alluded to; wherein he says, "In a case of crisis, however, when to place the matter on a broad and general ground, a strong Government might reasonably be accounted essential (if I may use that phrase) to the safety of the commonwealth, the Dissent of a Member of Council so considerable in station, character, and talents, must give additional value to the useful and efficient support which Sir G. Barlow and the public cause have derived from Mr. Oakes and Mr. Casamaijor."

† Sir F. Baring, and Sir H. Inglis and Mr. Elphinstone.

We, therefore, on the whole of this article, must express our full persuasion, that the conduct held by Mr. Petrie could not but have been, as Sir G. Barlow has stated, "productive of serious impediment to the administration of the affairs of Government, and of injury to the public interests;" and this in a way and to an extent which the maintenance of his own opinions needed not have produced, and for which his right to maintain those opinions forms no valid excuse.

4. The last topic to which we shall advert, is the refusal of Mr. Petrie to sign the Address, framed by a respectable part of the inhabitants of Madras, to Sir G. Barlow.

In order to form a correct judgment on this subject, we must look to the general state of affairs under the Fort St. George Presidency, at the time when the Address was proposed, and to the import of the Address itself.

Mr. Petrie, it appears, refused to sign the Address on the 30th July. At that time the danger was almost at its highest point. It is an essential mistatement which is made in Mr. Petrie's defence, "that the Army had then manifested unequivocal proofs of returning subordination and obedience." The facts stated in this Paper, and the most authentic documents concerning the progress of the revolt, prove the contrary. Colonel Malcolm had but a little before returned from his unsuccessful mission to Masulipatam. On the 30th July, the garrison of Seringapatam broke out into open rebellion. On the 3d August, Colonel Close was driven from Hyderabad. The action with the battalions from Chittledroog, the seizure of the public treasure in the Northern Circars, the mutiny at Ellore, the march of the Jaulnah Force towards the Presidency, all happened after the 30th July; and the first indication of returning obedience, which was the submission of the Hyderabad Force, is dated the 11th August, and could not have reached the Presidency till the 16th or 17th. Thus a great part of the Army was in open rebellion. The allegiance of the rest was at least questionable.

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In times of public peril, the mode of addressing the established Government with professions of loyalty and support is usual and natural. It is proper in Governments, at such times, to accept and even to wish for such testimonies of attachment. Some of the most respectable of the inhabitants of Madras, in a crisis big with danger to that Presidency and to India, thought it their duty to adopt a measure of this kind. The Chief Justice, a man next in rank to the Governor, and no less distinguished by his character than by his station, the two junior Members of Council, the Commander in Chief of the Army, and other conspicuous persons, took the lead. The Address went into no discussion of the measures of Government. It only expressed, on the part of the subscribers, a disapprobation of the insubordination that had recently shown itself among the Officers of the Company's Army, so dangerous in its tendency, with assurances of support to the interests of legal government, and a readiness to devote life and fortune to the maintenance of the public tranquillity.

We would ask, whether, in the state of things at that moment, when the "sword of revolt" was unsheathed, and the flames of civil war likely to be kindled throughout the country, every man, and especially every public man, was not called to take his line? whether neutrality was any longer consistent with duty?—whether any loyal man could possibly take the side of opposition to lawful authority? and whether the Address pledged to more than the support of the Government by law established, and resistance to the principles of insubordination and disobedience?

On what grounds then did Mr. Petrie refuse to become a party to this Address? He thought "it might increase irritation, "and produce an unfavourable effect on the disposition of the "Army, which had then manifested unequivocal proofs of "returning subordination and obedience, and that the wounds "were beginning to heal." This reason had not, as already shown, the least foundation; there were not any symptoms of returning subordination nor of begun amendment. The principal

pal reason, therefore, assigned by Mr. Petrie, wholly fails. He thought also “that such a public manifestation of the sentiments “of a part of the settlement, so strongly expressed,”—(the expressions are, in our opinion, remarkably temperate)—“could “do not possible good, but might add to the difficulties which “still opposed the recalling a considerable part of the Officers “to their duty.” As it appears from various documents that the Officers were conscious they were acting a most criminal part, it is far more probable that the public erection of a standard of duty and loyalty must have struck them with a deeper sense of their criminality, and made their perseverance harder to themselves. The difficulties still “opposing the recal of many “of the Officers to their duty,” is an idea growing out of the preceding groundless supposition of “*unequivocal proofs of “returning subordination,”* and falls with it. What means, or what probability appeared of recalling the Officers, then remained, unless to convince them that they had not the power of overawing and controuling the Government which they believed themselves to possess? That only a *part* of the Settlement signed the Address—(many more might perhaps have signed it if Mr. Petrie had set an example)—is, in our opinion, an unsound argument, although it is adopted in some of the Dissents;* for it is precisely in times of faction and division that such Addresses are pertinent. But does the duty of supporting legal government, depend on the numbers that may concur in that object? The duty surely attaches to every individual, whether he has many or few to act with him; and if, on the occasion in question, but a few were found, the greater was their honour, whilst those who refused to join them, were, in our opinion, highly culpable. Mr. Petrie, in the way of objection, alludes to “the *means of obtaining signatures;*” and one of the Dissents † explains this as if the author of it has been an eye-witness, by saying “the Address was carried from house to “house” by an Officer whom he is pleased to stigmatize, and who, according to him, “flattered and threatened as he judged “most likely to prevail;—to some he held forth promises of “the Governor’s favour;—others he threatened with his highest “displeasure.” On this passage we would observe, that there is

* Sir F. Baring and Sir H. Inglis, and Mr. Elphinstone.

† Mr. Elphinstone.

is not the least vestige of authority for it in the public Records, which the honourable writer himself has made the only standard by which our decision should be regulated; nor is it even supported by the slightest shadow of that "*ex parte* evidence" which, he observes, "should not be implicitly believed:" and we cannot say how unwarrantable appears to us the whole of this attack not only upon a very deserving Officer, to whose character we have already done some justice, but on the highly respectable individuals who signed the Address, and indeed on the loyal measure of standing forth in defence of lawful government. This honourable Writer further says, "that if any good consequence could have been expected from an Address, a meeting should have been called, and the Address voted publicly." This certainly would have been a most pernicious proceeding. We apprehend it was perfectly competent to any individuals, to set their names to a paper promising support to the constitutional authority, at a time when it was threatened with subversion; but for the inhabitants of Madras to assemble collectively, in order to debate or discuss any of the measures of Government respecting the Army, would have been to assume a very dangerous power to which they had not the least right, and to open a theatre for all the clamours and abuse of faction, to the still deeper injury of Government. Or if, in such an assembly, it were proposed to vote upon any question, the real import of which, however worded, should be whether the legal Government should be supported or not, it would be something like treason. Mr. Petrie has appealed to the *result* of the Address, which, he says, instead of strengthening the hands of Government, restoring harmony, mutual confidence, &c. &c. increased animosity and contention. This mode of arguing from consequences, (to which he has elsewhere objected), seems to require effects from the measure which it never could be expected to produce. The disaffected were not likely to be reclaimed by the Address; nor is it a wonder that those whose policy it was to await events without taking a decided part, still wished to find excuses for not committing themselves, and at the same time to have their refusal to sign the Address considered as no decision against the Government. But whatever
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real friends of Government concurred in the refusal, were injudicious friends; and the conduct of all these descriptions of persons does not impeach the propriety of the measure of an Address, nor the mode in which it was conducted, by obtaining signatures, being indeed the only mode that was open. It was still a noble testimony to the principles of order and loyalty, and shewed a band of the very best subjects under that Government to be devoted to its support. If there was a want of attention to Mr. Petrie, as he complains, in not first consulting him upon the measure, it lay with the movers in it to answer that minor objection, which certainly could weigh but little in a question of so important a nature. It is urged in Mr. Petrie's defence, that though he refused to sign the Address, yet he afterwards stated that, "if the Government in Council, or the general sense, attached any beneficial importance to the public interests, or that it could effect the peace of the Settlement, mislead any one, or prevent mischief, it would be his duty to yield his opinion to theirs, and affix his name." But the value and importance of Mr. Petrie's signature depended on its being spontaneous. He had, "after mature and serious consideration," stated his reasons why "he could not, with propriety, give the Address his signature;" and he still "thought his reasons just." A signature affixed at the desire of Government, under all these circumstances, which could not be unknown, would have been deemed an official act, not the offspring of his own judgment and inclination, and would place the Government in the light of soliciting a countenance, which, given in that way, would, after all, do them little or no good. We do not, therefore, wonder that Sir G. Barlow avoided going into the subject with Mr. Petrie, and left him to act according to his own judgment. The offer of Mr. Petrie, as above quoted, seems, however, to indicate some apprehension, at least in his mind, that his signature might be of importance; and we find it very difficult to conceive that he must not have been sensible a declaration like that contained in the Address, voluntarily made by him in conjunction with other distinguished characters, would have produced a beneficial effect upon the minds of the Officers.

At any rate, being called to it as he was, he had this plain question before him—whether he, the second Member of the Government, should appear to the Army and to the world as one of those determined and pledged to support the lawful Government against insubordination, or as one of those who declined to give such a pledge, and to make such a declaration. He chose to appear in the latter class; and let it be recollected this was at a crisis when the Officers were in actual rebellion against the Government, and civil factions were also opposed to it. Let it be recollected also, that Mr. Petrie excused his not entering any Dissent to certain measures which were supposed to have had an influence in producing the Vellore mutiny, because he would not have it appear that there was any difference among the Members of Government at so critical a conjuncture. Must he not then have been perfectly aware of constructions unfavourable to Government, which would be put on his present conduct? What was the lowest interpretation that would be made of this proceeding by the Officers? We conceive this—that he was not to be considered as acting with the Government in their principles or measures respecting the Army; that he bore with all the Officers had done, even to the horrible crime of turning their arms against the Government, and seizing the forts and treasures of the public; that he did not shut out treaty with them upon the basis of their own demands, which included restoration of Officers dismissed for sedition, &c. to which treaty a general amnesty must, of course, be preliminary; that, therefore, he was not disposed to resort to the military means (ample as they were,) which Government had for its own protection; but, in short, looked only to a present compromise, or rather treaty, of such kind as could be obtained, including probably a reference to the arrival and decisions of Lord Minto, who had already declared himself against the whole system of the Officers, or a reference, concerning points already in effect yielded, to the Court of Directors, who would thus be brought into the greatest embarrassment, whilst it would have left the Fort St. George Government in the most humiliated state, and the Officers full leisure to consolidate their dangerous ascendancy.

This course was really, according to all the explanations of Mr. Petrie himself, the one for which he was an advocate; but, in the temper and state of the Army, it appears to us, that it necessarily involved an abandonment of the just principles of all Government, of the authority, credit, and efficiency of the Madras Government, of the proper controul of the Army in future, and thence an abandonment of the highest interests of British India.

We therefore thought, and still think, that Mr. Petrie essentially failed, on this important occasion, in the duty which appertained to his station; that the Court of Directors were consequently called upon to mark publicly and strongly their disapprobation of conduct like his; and that, on this and the other grounds which have been stated in the preceding pages, it was just and proper to remove Mr. Petrie from standing in succession to the Government, and from the seat he held in the Council of the Fort St. George Presidency.

We have the honour to be,

Gentlemen,

Your most obedient humble Servants,

(Signed)

C. GRANT.

R. C. PLOWDEN.

W. ASTELL.

C. MARJORIBANKS.

C. MILLS.

I. INGLIS.

A. ROBERTS.

I. BEBB.

G. SMITH.

G. A. ROBINSON.

East-India House, 10th Sept. 1810.

APPENDIX.

THE Nabobs of the Carnatic had carefully kept registers of the bonds granted by them, and payments made on account of them, in offices appropriated to that purpose. After their death, to prevent those registers from being falsified or interpolated, the offices were shut up. An Officer belonging to one of them, whose salary was only sixty rupees a month, having some years ago been dismissed for misconduct, Paupiah Braminy, an intriguing native, a great dealer in bonds, and a man of notorious recorded infamy, as already mentioned in the text, offered the present Nabob a douceur of 10,000 pagodas, or £4000, for the restoration of the Officer so dismissed. Whence the obvious inference is, that he wanted to have an instrument of his own in that department. That Officer, with his successor and another person in office, were afterwards detected in a plan to introduce spurious bonds into the office, which they all confessed; and they were confined by the Nabob. This detection was made by other official servants, but has since been used by the party adverse to the Commissioners and to the Government, to destroy the credit of the office registers as authority for the validity of bonds, and to destroy also the credit of all the Durbar servants. Paupiah, by his English attorney, applied to the Supreme Court for a writ of Habeas Corpus, to discharge those persons out of the Nabob's custody, and also instituted a prosecution against the Nabob's Dewan, for falsely imprisoning them. This fact shows plainly a connexion between Paupiah and these persons. Various informations having been given to

Government, of the fabrication of Nabobs' bonds, and of a traffic in them, the Government, to check this nefarious practice, instituted the Committee of Inquiry spoken of in the text, to whom those informations were referred. This sort of previous inquiry fell within the province of Government, not of the Commissioners for Carnatic debts, whose business lay in examining claims brought before them. Among the communications referred to that Committee, were a charge against Paupiah for forgery, and also one against Reddy Row. We know not which of these charges was prior in point of time. Reddy Row, who had been the late Nabob's head accountant of the Carnatic, had, from his good character and long acquaintance with the bond transactions of those Nabobs, been, after their death, together with Mr. Battley, the English secretary of the Nabobs, consulted by speculators in the Carnatic debts, on the authenticity of bonds offered for sale. The information against Reddy Row was given by a foreign adventurer named Loyd, who did not, on his examination, seem to know what he had stated in his letter, and appeared, in this instance, to be acting under the direction of others. To support this charge, he brought two witnesses against Reddy Row, named Arnachella Row and Beem Row, who proved afterwards to be instruments of Paupiah Braminy. Their testimony was thought so improbable as to be unworthy of belief; and has since, in the most material parts, been refuted even by themselves. The Committee having, on the 25th June 1808, been directed to examine into the charge against Paupiah, for fabricating a bond for 46,000 pagodas, they on the 11th July reported that it was a forgery, and recommended that the parties concerned in it should be prosecuted. The choice of natives to assist the Commissioners in examining the Durbar Registers, in order to ascertain the validity of claims, was evidently a point of great importance. It appears that Paupiah wanted to get a man of his own into that employ. The Commissioners, however, selected for their principal assistant, Reddy Row above-mentioned, as the person most qualified, and likely to get them information. On or about the same day, the 11th of July, Paupiah,

Paupiah, as a creditor, preferred before the Commissioners for investigating the debts, objections to a bond belonging to Reddy Row for 38,500 pagodas, as being a forgery. His witnesses were the persons already named, Arnachella Row and Beem Row. On the 12th July, a letter *dated the 9th*, was laid before the Commissioners, by Mr. Abbott, containing a list of bonds stated by him to be suspicious, among which was this one of Reddy Row's. The Commissioners, to whom the deed sanctioned by Parliament meant exclusively to confine the judgment of such points, on opening their commission, in the first place examined carefully into the validity of this bond, and were thoroughly satisfied, on what they deemed the clearest evidence, that it was a genuine one ; not only the reality of the Nabob's signature, but the reasonable grounds on which the bond was granted, having been proved. It was here given in evidence to the Commissioners, that Paupiah had offered to Reddy Row to withdraw his charge of forgery and settle their differences, if he (Reddy Row) would undertake to support Paupiah's claims (for 25 lacs of pagodas, about one million sterling). On the 20th July, in consequence of the recommendation of the Committee, orders were given by Government, to the Company's law officers, to prosecute Paupiah for forgery. The Commissioners appear to have believed, that there was a design to defeat the object of their appointment, by procuring the removal, through any means, of the Officers most able to bring the truth to light ; and having, in the course of their proceedings, discovered, as they thought, an extensive conspiracy for the worst purposes, they, on the 25th July, stated this case to the Government ; and requested that, with a view to institute a prosecution against the authors of the conspiracy, their Minutes might be inspected by the Company's law officers. The principal party implicated here was Paupiah. He, on the same day (25th July) charged before the sitting magistrate, Mr. Maitland, Reddy Row and one of his witnesses, Anunda Row, with the forgery of the above-mentioned bond, for pagodas 38,500 ; of which charge the Commissioners for investigating the debts, to whose jurisdiction this question belonged, had already acquitted Reddy Row.

Paupiah's

Paupiah's witnesses here were Arnachella Row and Beem Row already mentioned. The magistrate who had before sat in rotation, had declined to commit the accused in this business, on the evidence tendered. One of the Commissioners attended Mr. Maitland, and offered to communicate to him the contradictory evidence which the same accusers had given before to them in this matter; but Mr. Maitland refused to receive the depositions taken before the Commissioners, or to examine the deposing parties himself; and, on the *ex parte* evidence of the accusers, who were themselves to have been prosecuted for perjury in support of Paupiah's conspiracy, he, on the 30th July, committed Reddy Row, and Anunda Row, who had given evidence in favour of Reddy Row, to take their trial for forgery. Mr. Maitland has since avowed himself to be a prosecutor in the same matter in which he then acted as magistrate, and to be interested in the event. The complaint of the Commissioners against Arnachella Row and Beem Row, for perjury, having been heard by Mr. Taswell, another magistrate, he committed them for trial. But Paupiah, by carrying the accusation just mentioned, before Mr. Maitland, took the start of the other side; and he and his accomplices, instead of appearing in the ignominious light of culprits on the charges of forgery and perjury, placed Reddy Row (a man who had till then passed through life with an unimpeached character) in this situation, and upon a charge too of which the proper tribunal had declared him innocent. On the representation of the whole of this case by the Commissioners, and at their request, the Government directed the law officers of the Company to undertake the defence of Reddy Row and Anunda Row. The Government did not think this merely a "squabble among individuals," as Mr. Pattison expresses it, but a public concern; yet as much clamour has been raised against the Government, for the assistance thus rendered by their order to the defendants, it may not be foreign to that part of the subject to look back to the origin of their having been consulted in regard to the forgeries which were supposed to have been committed. If this is done, it will appear that the first occasion on which

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the Company's law officers were called to act in this business was during the Presidency of Mr. Petrie, when the investigation of the information given by the foreigner, Loyd, was committed to the Company's Advocate General and Solicitor, who thereby became officially connected with the subject of the forgeries before Sir G. Barlow's arrival. Immediately afterwards, that is on the 1st August, an advertisement was prepared, and appeared anonymously in the Gazette of the 4th, inviting "a meeting of the *bonâ fide* creditors of the Nabob, " on the 6th, on business of the utmost importance." The persons who, in consequence, met, were Messrs. Roebuck, Parry, Abbot and Maitland (the two last partners in business), Mr. Light, as *Paupiah's Attorney*, and two other individuals not named. They elected Messrs. Roebuck, Parry and Abbot, to be *representatives of the creditors of the late Nabobs*—a very numerous body dispersed in England and India, who had given no power for any such election. In the first list of Nabob's debts, made up in 1806—(the late Nabob died in 1801)—the amount of claims standing in the names of Messrs. Abbott and Maitland, as principals or agents, was £68,847. The amount standing in the name of Paupiah was £620,146. In the last account the claims of those two persons, of Messrs. Roebuck and Parry, and of Paupiah, as principals or agents (including a claim by Mr. Abbot, on behalf of a Begum, for 25 lacks of pagodas) amount to 67 lacks of pagodas, or £2,680,000 sterling, being full two-thirds of the whole amount at first estimated to be due to a most numerous list of creditors.

In the character of *representatives of the creditors*, Messrs. Roebuck, Parry and Abbott, on the 20th August 1808, addressed a remonstrance to Government, against the protection afforded to Reddy Row, by allowing him the assistance of the Company's law officers, and against the intended prosecution of Paupiah for forgery, which they said would discourage natives from coming forward to give evidence—an allegation soon disproved by the events that followed. It was alleged also, that Mr. Anstruther, the Advocate General, who had been directed

* Dissent, 15th
October, 1809.

directed to conduct the defence of Reddy Row, was himself concerned in the property of the bond which that person was charged with having forged. Mr. Anstruther has, in our opinion, completely cleared his own honour in that matter. Mr. Elphinstone * has denied that, in these proceedings, there was any connexion between the four European creditors and Paupiah. But we conceive that the very nature and order of the events above described, irresistibly establish such a connexion; and besides, it is avowed by Messrs. Abbott, Parry and Maitland, that they paid the expense of the suit, brought in the Supreme Court, in the name of Paupiah, against Reddy Row, as it is also known that Mr. Parry was Paupiah's bail in the action brought against him and another person for perjury.

These persons were throughout leaders in the opposition raised against Government and the Commissioners for the Carnatic debts, on account of the measures adopted by them for the due investigation of those debts. Their proceedings tended to throw every thing into confusion—to discredit the Officers employed in the examination of the Nabob's registers—to discredit those registers themselves (whence, it is presumable, they could expect little support to their cause from them)—to discredit the Commissioners and the Government likewise. These persons went at length so far as to apply to the Governor General in Council for the removal of the Commissioners, and also to threaten those Commissioners with a criminal prosecution in the Supreme Court at Madras: which violent course, on the other hand, induced a very respectable body, comprehending the principal commercial characters of Madras, to bear, in a voluntary address to the Commissioners, the most honourable testimony to the uprightness of their conduct, with which also the Madras Government expressed the highest satisfaction. That Government, at last, in order to prevent the entire obstruction of the business entrusted to the Commissioners, and to check the spirit of faction, which had become very general and outrageous in the Settlement, found it necessary to interpose, by removing Mr. Maitland from the magistracy,

magistracy, which his partiality in office justly deserved;—by requiring Mr. Parry, who remained in India on sufferance, to return to Europe;—and by appointing Mr. Roebuck, who held considerable offices at the Presidency, to the charge of the Settlement in Vizagapatam, said to be one of the most salubrious on the coast, where his subsequent death, at the age of 60, has been represented by some persons as murder. The opposite charges against Arnachella Row and Beem Row on the one hand, and against Reddy Row on the other, came before the grand jury at the same time. They heard first the charge against Reddy Row, and found a bill; after which they refused to go into the other charge, as involving a contradiction to what they had already found on oath. The trial lasted near a month, five days of which were lost by the intoxication of some members of the petty jury, which was in general composed of the lowest order of Europeans. The Chief Justice, having adjourned one day, to arrange his notes of the evidence, was afterwards, by indisposition, prevented from attending for several days more; which was made the ground of an application to the grand jury, then sitting, for a charge of impeachment against that eminent magistrate. The Chief Justice summed up, in a speech of *eight hours*, drawing a result in favour of the defendants, and particularly dwelling on the documents produced by the witnesses on *both sides* from the Durbar Offices, as unanswerable and conclusive. The jury in *twenty minutes* brought in a verdict of “Guilty.” A new trial was moved for, on the ground that the verdict was against the clear weight of evidence. But, in consequence of that verdict, other bills for conspiracy and perjury were preferred and found against Reddy Row, and Mr. Battley, one of his witnesses, who had been thirty years English secretary to the Nabobs with a fair reputation. In the first trial, the prosecutors had insisted that Anunda Row (principal witness for Reddy Row) who was stated by himself, by Mr. Battley, and others, to have been a writer in the Nabob’s Durbar in the year 1799, was indeed, at that very time, a clerk in the Cutcherry of Manargoody, near Cuddalore. It was proved, on the defence,

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that Anunda Row at Manargoody was a different person. To investigate thoroughly, in view to the new trial, this fact on which the charge of perjury rested, a gentleman, well versed in the native languages, was sent by Government to the spot. He ascertained, from the unanimous testimony of a considerable number of the inhabitants, that the Anunda Row who had given evidence at the trial, and who was shown to them, was not the person who had resided at Manargoody. This, which seemed to fix the matter, proved, in the temper of the Settlement, adverse to the cause of Reddy Row and to Government. It was openly represented as an attempt to overawe the inhabitants of Manargoody, by the interference of Government, and such reports failed not of their effect on the public mind. On the motion for a new trial, the counsel for the prosecution insisted that it was a violation of the rights of juries, to question the verdict on the ground of any opinion given by the judge as to the weight of evidence ; which doctrine, being contrary to the current of authorities for the last half century, was resented by the Chief Justice, as an attempt to influence the by-standers, among whom were many of the special jury already struck for the approaching trials. A clamour for the rights of juries was raised, and every effort used to inspire a distrust of the Chief Justice, who, having delayed a decision on this notion, as the other trials nearly connected with it were coming on, a second presentment against him, tending to impeachment, was laid before the new grand jury. The Chief Justice, on the trial of Mr. Battley, which lasted several days, told the special jury they could not find the defendant guilty, unless they could make up their minds to the proposition, " that the whole inhabitants of Manargoody, and the whole " witnesses from the Durbar, were perjured ;" and unless the whole body of documents, which were not impeached in evidence, should by mere presumption be set aside as forgeries. The special jury found, however, Mr. Battley guilty of perjury, and recommended him to mercy, which seems not a very consistent proceeding. It is also said that the jury were not, in fact, unanimous in their verdict.

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The Chief Justice declared his determination to pass no judgment in either of these causes ; but to transmit them, as they stood, with his report on them, for the determination of His Majesty.

His Majesty has been advised to grant a pardon to the persons against whom the verdicts were passed, which, as we understand, was the only way open to him of supporting the part taken by the Chief Justice.

F I N I S.

The Chief Justice declared his determination to give no judgment in either of these cases; but to transmit them, as he considered, with his report on them, for the determination of His Majesty's Council. He then proceeded to read the report of the Council, which had been advised to grant a pardon to the persons against whom the verdicts were passed, which, as we understand, was the only way open to him of supporting the part taken by the Chief Justice. He then proceeded to read the report of the Council, which had been advised to grant a pardon to the persons against whom the verdicts were passed, which, as we understand, was the only way open to him of supporting the part taken by the Chief Justice. He then proceeded to read the report of the Council, which had been advised to grant a pardon to the persons against whom the verdicts were passed, which, as we understand, was the only way open to him of supporting the part taken by the Chief Justice.

Grant, Charles

A letter signed by C. Grant Esq., W. Astell, Esq., C. Mills, Esq., A. Robarts, Esq., G. Smith, Esq., R. C. Plowden, Esq., C. Marjoribanks, Esq., J. Inglis, Esq., J. Bebb, Esq., G. A. Robinson, Esq., directors of the East-India Company, containing a minute examination and full vindication of the measures adopted by Sir George Barlow, during the dissensions at

London 1812

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